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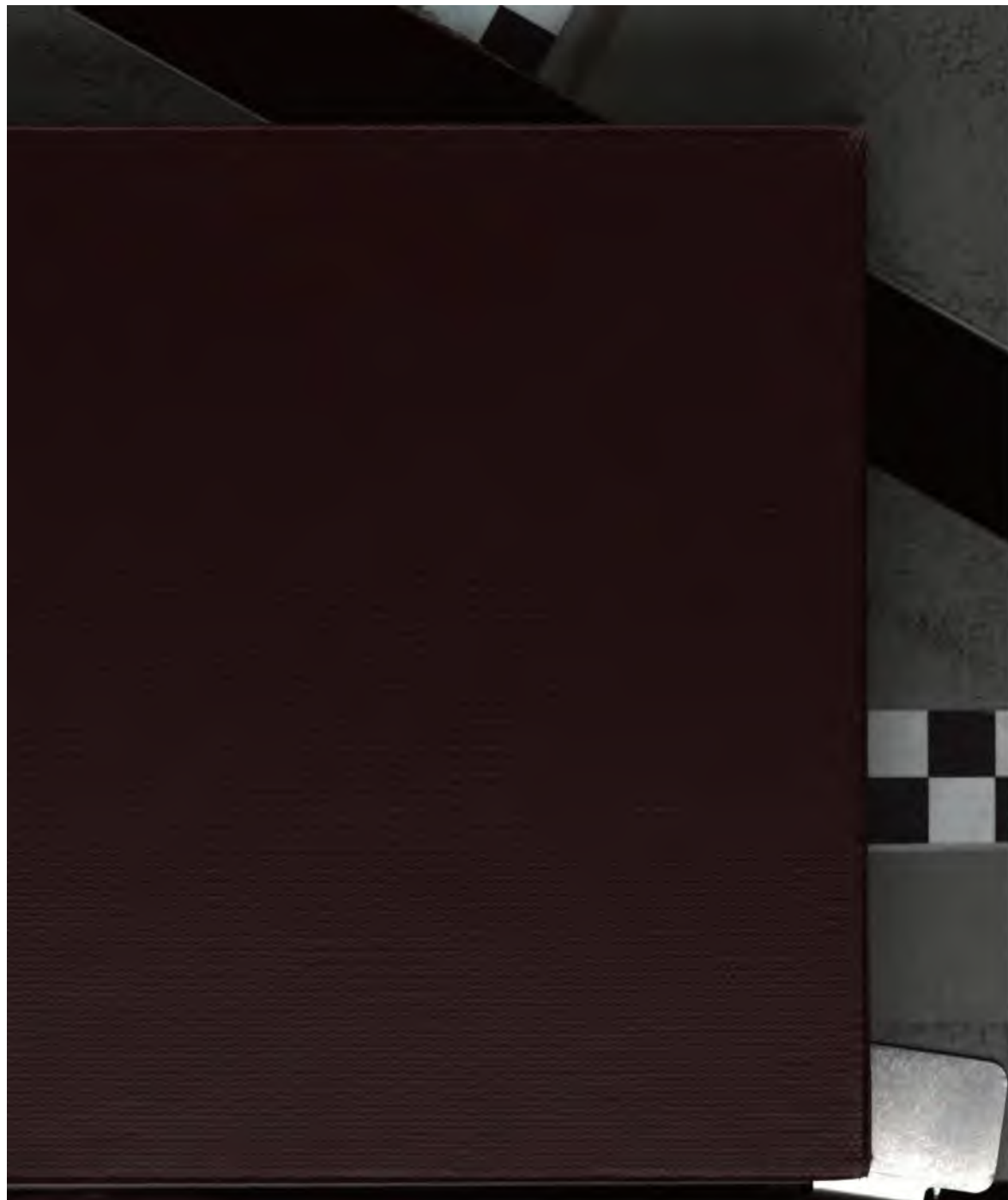
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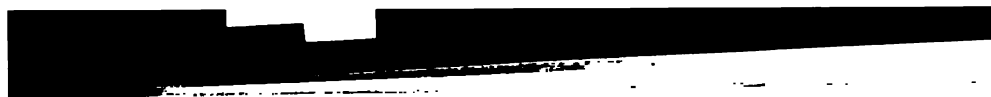
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SELECT ORATIONS

OF

LYSIAS

LITERALLY TRANSLATED BY
EDWARD ROTH
AND OTHERS

WITH AN INTRODUCTION BY
EDWARD BROOKS, JR.

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INTRODUCTION.

LYSIAS, the author of the Oration against the Grain Dealers, a translation of which will be found in the following pages, was one of the ten Attic Orators, and lived during the fifth century before Christ. The date of his birth can only be established by conjecture. Some authorities place it as early as 459 B.C. There is a tradition to the effect that Lysias went to Thurii at the age of fifteen, and as that town was founded in 444 B.C., this may account for the view that he was born at that time. Other authorities fix the date of his birth somewhat later. In Plato's republic, the scene of which is laid about 430 B.C., Cephalus, the father of Lysias, is represented as being alive, and as it is thought that the emigration to Thurii did not take place until after his father's death, the birthday of Lysias is supposed to have been somewhere between 444 and 436 B.C.

Cephalus, the father of Lysias, was born in Syracuse. Upon the invitation of Pericles he had settled at Athens, and became what was known in those times as a "resident alien." It is probable that among the friends of Cephalus were to be numbered Plato and other Athenian men of letters, so that the early childhood of Lysias was, in all probability, influenced by the society of some of the most distinguished Athenians.

At the age of fifteen, upon the death of his father,



Lysias removed to Thurii, an Athenian colony near the site of the ancient Sybaris, on the Tarentine gulf. Herodotus was one of Thurii's early residents, and it is not improbable that the young orator derived some inspiration and culture from association with the famous historian. Tradition says that at Thurii Lysias commenced the study of rhetoric under Tisias, the pupil of Corax.

The terrible defeat of the Athenians by the Sicilians gave rise to a strong anti-Athenian party in Thurii. Lysias and his brother Ptolemarchus were accused of too strongly sympathizing with the Athenians, and were driven from the city. They thereupon took up their residence in Athens. Ptolemarchus had a house in Athens itself, and Lysias had another in the Piræus. They were both quite wealthy men, having inherited considerable property from their father. While not having been admitted to the rights of Athenian citizenship, the fact that they were allowed to own property shows that they were classed as foreigners who paid only the same taxes as Athenian citizens, and were exempt from the special tax laid upon aliens. The two brothers engaged in the business of manufacturing shields, and owned a large factory near the Piræus, in which were employed one hundred and twenty skilled slaves.

Upon the establishment of the Thirty Tyrants in Athens there commenced a rigorous persecution of resident aliens not unlike that of the Jews to-day in some countries. Lysias and his brother were among the first singled out as victims. Ptolemarchus was arrested and compelled to die by "drinking the hemlock." Lysias, by the aid of a bribe, slipped out by the back door of the house in which he was a prisoner and escaped to Megara. During his

exile he rendered valuable services to those who were similarly persecuted, both by his own liberality and by enlisting the aid of other rich persons in their behalf. Upon the expulsion of the Thirty Tyrants, Thrasybulus proposed that Lysias, in recognition of his valuable services, should have the rights of citizenship bestowed upon him. This resolution fell through on account of a technicality, and so Lysias missed the reward which he had justly merited.

After his return to Athens Lysias was no longer the rich man he used to be. It is quite probable that his generosity to Athenian exiles and the pillage by the Tyrants had deprived him of nearly all his property. He seems now to have devoted his life to writing speeches to be delivered in the law courts. That he was an incessant worker is evidenced by the fact that in the Augustan age over four hundred and twenty-five compositions were ascribed to his authorship. As the period of his literary activity extended over only about twenty years, it can readily be seen how great was his industry. He is supposed to have died about 380 B.C.

Many of the orations which Lysias wrote were not delivered by himself. His vocation in his later life was that of a professional speech-writer. In many cases he merely wrote the speech which his client delivered. It was, of course, desirable that these speeches, as to form and rhetoric, should not seem out of place in the mouth of the speaker. The clients of Lysias were probably not unlike those of the modern advocate, and were of all sorts and conditions. This led the orator to abandon the stiff and monotonous splendor of the earlier and cruder rhetoric, and to aim at not merely an impressive effect in grandilo-



quent phrases and pathetic eloquence, but in dramatic propriety. He sought to make his client appear to be speaking as a citizen, and not as one who was versed in the skill of the professional rhetorician. This aim developed in his writings a style which is known as "plain" as distinguished from the "grand" of the old Greek rhetoricians. Simple in his vocabulary, largely devoid of rhetorical figures, he excels greatly in vivid description, and has a happy faculty of indicating the speaker's character by light touches.

His construction is quite simple. The speech usually consists of four parts, viz.: The Introduction, The Narrative of Facts, The Proof and The Conclusion. He is thought to appear at his best in The Introductions.

Of the writings of Lysias only about thirty-four, three of which are fragmentary, have come down to us. However, as many as one hundred and twenty-seven more, all of which have been lost, are known to have been written by him; and, as has been said before, at one time over four hundred compositions were attributed to his authorship.

ORATION

AGAINST THE GRAIN DEALERS.

1. MANY have come to me, Judges, expressing surprise that I have entered an accusation in the Boulè against the corn dealers, and saying that you, even if you think them ever so guilty, nevertheless think that those who bring charges against them act as sycophants. Accordingly I first wish to show you why I was compelled to accuse them.

2. When the Prytanes reported them to the Boulè, feeling so high that some of the speakers said that without a trial they should be handed to the Eleven to be put to death. But I, thinking that it would be a terrible precedent for the Boulè to do this, rose and said that it seemed best to me to try the dealers by law, as I thought that if they had committed a capital crime you no less than we would decide justly, but if they had done nothing wrong they need not have died without a trial.

3. When the Boulè had agreed to this some tried to slander me, saying I made these speeches for the safety of the dealers. Before the Boulè, since the preliminary trial was before them, I made a practical defence. For while the rest were sitting still I got up and accused them, making it clear to all that I had not spoken in their behalf, but had been upholding the established laws.

4. I took up the matter on account of this, fearing the charges. And I think it base to stop until you have voted what you wish.



SELECT ORATIONS

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to such a pitch of enmity (15) that in these times they plot against you as though they were your enemies. When there are chances to be the greatest need of corn they heap it up and refuse to sell, that we may not dispute about the price, but may think ourselves lucky if we manage to buy from them at any price whatever. So although there is peace we are besieged by these men.

16. Long ago the city came to have such an opinion of their evil doings and wickedness, that while for all the other trades you appointed clerks as inspectors, for this traffic alone you appointed corn inspectors; and from many of these you have taken heavy punishment, although they were citizens, because they were not able to stop these practices. Ought not, then, those doing this wrong to receive punishment at your hands when you have killed those not able to restrain it?

17. You ought to know that it is impossible to acquit them. For if you acquit those who confess to making a corner against the merchants you seem to plot against the merchants. If they made some other excuse no one would censure those acquitting them; for in such cases it is at your discretion to believe either way. But now if you set free those who confess that they have broken the law would you not seem to be doing a strange thing?

18. Remember, Judges, that you have already condemned many accused of this crime who brought forward witnesses, as you thought the assertions of the accusers more trustworthy. Would it not be strange if, judging those doing wrong, you were more desirous to take punishment from the guiltless?

19. I think, Judges, that it is plain to all, that cases against these men are of the most general interest to those in the city, that they may learn that you have some mind

about them; for they will think if you condemn them that they must be more careful in future, whereas if you acquit them you will have voted them every opportunity of doing what they wish.

20. It is necessary to punish them, Judges, not only on account of the crimes which have been committed, but as a precedent for those that will be. For in that case they will only be just endurable. Remember that many in this business have been tried for their life. And so great are their profits from it that they prefer to run in danger of their life every day than to stop getting unlawful gain from you.

21. If they beseech you and entreat you you could not justly pity them, but rather have compassion on the citizens who have been dying with hunger on account of their knavery, and the merchants against whom they combined. These you will rejoice and make more jealous if you take punishment on the dealers. But if not, what opinion do you think they will have when they learn that you let off the retail dealers who themselves confess to plotting against the merchants?

22. I do not think I need say more. About other criminals you must be informed by the accuser, but about the knavery of these men you know everything. If you condemn them you take punishment from them and make corn cheaper; if you acquit them you make it dearer.



AGAINST AGORATUS.

1. It is fitting, Judges, for all of you to take vengeance in behalf of the men who died well disposed to the State, and for me not the least. For Dionysodorus was my brother-in-law and cousin. So I have the same hostility to Agoratus as your party. For he did things on account of which he is justly hated by you and me, and, if God wills, he shall be justly punished.

2. For my brother-in-law Dionysodorus and many others, whose names you shall hear, being men well disposed to your body, he put to death in the time of the Thirty witnessing against them. Doing these things he injured me not a little and all who have come here, and greatly injured the whole State in common, as I think, by depriving it of such men.

3. Therefore, Judges, I think it right by divine and human law for each one to take as much revenge as he can. And I think if you should do this we should fare better at the hands of gods and men.

4. But, Athenians, you must hear about his deeds from the very beginning that you may first learn in what manner your democracy was destroyed, then how these men were put to death by Agoratus and what were the last words of those about to die. On learning all this accurately you will more gladly and justly condemn this Agoratus. Therefore, whose we can most easily teach and you learn, there I will begin the story.

5. When your ships were destroyed and the resources of

the State were in a bad way, not long afterwards the ships of the Lacedemonians arrived at the Piræus, and at the same time conferences were taking place with the Lacedemonians about peace.

6. During that period those who wished a revolution in the city laid their plans, thinking they had hit upon the right moment especially to establish things at that time as they themselves wished.

7. They thought nothing was in their way except the leaders of the people, the generals, and the taxiarchæ. Accordingly they wanted to remove these in some way or other, that they might more easily arrange matters as they wished. First, then, they assailed Cleophon with this idea.

8. For when the first meeting about peace was in session, and those who had come from the Lacedemonians said on what terms the Lacedemonians were willing to make peace—if the long walls should be destroyed for ten stadia on both sides—then you, Athenian men, did not endure hearing about the destruction of the walls, and Cleophon, getting up in your behalf, said that it was not at all possible to do this.

9. Then, Theramenes, plotting against your body, rose and said if you would appoint him ambassador with full powers he would bring it about that the walls should not be destroyed, nor any other evil injure the State. He thought in some other way to benefit the city at the hands of the Lacedemonians.

10. And you, persuaded, chose as plenipotentiary him whom the year before you rejected after he was chosen general, not thinking him well disposed to your body.

11. He, therefore, going to Sparta, remained there a long time, leaving you in a state of siege, though he knew that

on account of the war and misfortunes your body was in need of the very necessities of life, thinking if he brought you to a very low state, as he did, that you would gladly make any sort of peace that he desired.

12. Those remaining here and planning to overthrow the government, led Cleophon into the assembly on the plea that he did not come to the camp to sleep, but really because he spoke against tearing down the walls. When they had packed the jury, and those who desired to set up an oligarchy had come in, they killed him on this charge.

13. Theramenes afterwards came from Sparta. Some of the generals and taxiarchs, among them Strombichides and Dionysodorus, and other citizens who were well disposed to you, as they afterwards showed, having gone to meet him, became exceedingly angry. For he came bringing a peace the nature of which we afterwards learned by actual experience. For we lost many good citizens and we ourselves were driven out by the Thirty.

14. For instead of destroying ten stadia of the long walls it was to destroy all the wall, and instead of finding some other good for the city it was to hand over the ships to the Lacedemonians and to destroy the walls about the Piræus.

15. These men, perceiving it was a peace in name but in fact the destruction of the democracy, refused to allow this to take place, not because they were sorry that the walls were to fall, nor that they minded giving over the ships to the Lacedemonians (for this was no more their concern than yours), (16) but learning that thus your party was to be destroyed: not (as some say) because they did not wish there to be peace, but because they wished to make a better peace than this for the people of Athens. They thought

they were able and would have done this if they had not been killed by this Agoratus.

17. Theramenes and others who were plotting against you, knowing that there were some who were opposed to the destruction of the democracy and would take an opposite stand for freedom, chose to bring against these men false accusations and to place them in danger before the assembly when peace was held, that no one there might raise objections in your cause.

18. Therefore they adopt the following plan. They persuaded this Agoratus to become an informer against the generals and taxiarchs; not that he was in their secrets, Athenians, no indeed (for they were not so foolish and friendless, that, when they were engaged in an affair of this size, they would call Agoratus, a slave and a son of slaves, trustworthy and well disposed), but because it seemed to them that he was a necessary informer.

19. Therefore they wished him to seem to give testimony unwillingly and with reluctance, that he might seem to you somewhat more trustworthy. But that he testified willingly I think you know from the case. For they sent Theocritus, known as the son of Elaphostictus, to the senate, which was in session before the Thirty. And this Theocritus was a friend and relative of Agoratus.

20. But the senate in the time of the Thirty was tampered with, and as you know, greatly desired an oligarchy. And the proof is that those in that senate served in the last one under the Thirty. Why do I relate this to you? That you may know that the decision of that senate was not well disposed to you, but entirely for the destruction of your party, and that you may know them to be such.

21. Theocritus coming into the senate in secret session testified that some were together with the intention of rais-



ing opposition to the established government, but said he could not give their names individually, for he had sworn the same oaths with them; that there were others who could tell, but that he personally would never do it.

22. If he did not testify according to a plot why did not the senate compel Theocritus to give their names and not to give testimony without names? But now this vote was passed.

23. When, therefore, the vote was passed, those chosen from the senate went to Agoratus at the Piræus, and falling in with him, sought to take him to the assembly. But Nicias and Nicomenes and a few others present, seeing that the thing was not best for the State, refused to let them take Agoratus, but took him from them and gave bail for him and pledged to bring him into the senate.

24. The councillors took the names of those who had given bail and stopped them, and then went away to the city. But Agoratus and the bondsmen sat down on the altar of Munychia. While they were there they planned what must be done. It seemed best to the bondsmen and to all the others to get Agoratus out of the way as soon as possible, (25) and as two boats were moored at Munychia they besought him by all means to get out of Athens, and said that they themselves were willing to go away with him until the matter was settled, saying that if he were brought into the senate he would perhaps be tortured and forced to tell the names of the Athenians which those who wished harm to the State had suggested to him.

26. Although these urged him in this way and prepared boats, and were ready to sail with him, this Agoratus was not willing to obey them. Agoratus, if there was nothing prepared for you and you were not sure of suffering no harm, why did you not go when boats were prepared for you, and

your neighbors ready to sail off with you? For you could have done so and the senate had not yet got you in their power.

27. But they and you were not in equal danger. For in the first place they were Athenians and did not fear being tortured; then leaving their own land they were ready to sail away with you, thinking this was better than that many citizens should be unjustly killed by you. But, first, if you remained there was danger of your being tortured, and then, too, you had no native land to leave.

28. So in every way it was easier for you to make yourself scarce than for them, unless there was something in which you trusted. Now you say you did it unwillingly, while the truth is you willingly put to death many good Athenians. There are witnesses that everything was prepared as I say and the vote of the senate will witness against you.

29. When this vote was passed and those from the senate came to Munychia, Agoratus willingly got up from the altar; now they say he was torn away by force. When he was brought into the senate (30) Agoratus first wrote down the names of his bondsmen; then of the generals and taxiarchs; then also of some other citizens. This was the beginning of all the evil. I think he himself confesses that he wrote down the names. But if he doesn't, I will convict him in the very act. Now answer me.

31. Accordingly they desired him, Judges, to hand in more names, so strongly determined was the senate to do evil, and he himself did not seem to them to tell all the truth. Thus, voluntarily, he gave in all these names, as they put no restraint on him at all.

32. When the assembly was held in the theatre at Munychia some were so very anxious that he should also testify



in the popular assembly against the generals and taxiarchs (but as for the others the testimony in the senate was enough) that they led him there into the assembly. Now you may know how many were put to death by this man, I answer me, Agoratus. But I do not think you should desire to read their names to you.

33. He himself confesses it, but nevertheless the votes of the people shall be read to you. That this man Agoratus sent for his sister to come to the prison, another his mother, wrote down the names of these men, some in the senate and another his wife, and others for whatever female relative some in the assembly, and that he is their murderer I think each of them had, in order that having embraced them for you are well aware. That he was the cause of all the evils which befell the State and is not worthy to be pitied by the last time they might end their life thus.

34. For when these were arrested and put in prison the Lyxander sailed into your harbors, and your ships were surrendered to the Lacedemonians, and the walls were destroyed, and the government of the Thirty established, and indeed what evil was not done against the State?

35. When, therefore, the Thirty were established, they immediately made a trial for these men in the senate, but the people voted in the court before two thousand. Now I read the vote to me.

36. If they had been tried in the court they could readily have been saved. For you all knew in what evil the state was, although you were not able to bring aid. But the fact was they brought them into the senate before the Thirty. And you know what a farce the trial was.

37. The Thirty sat on the seats where the Prytanes are now. Two tables were placed in front of the Thirty. It was necessary to deposit the vote, not in the urns, but in plain sight on the tables, the condemning vote on the further one, . . . so how could any one of them be saved?

38. And with one vote all that came into the council chamber to be tried before the Thirty were sentenced to

death, and no one except this man Agoratus did they acquit; and they acquitted him as a doer of good. But that you may know how many were put to death by this man, I desire to read their names to you.

39. When, therefore, Judges, the death sentence was passed on these and they were about to be put to death, one sent for his sister to come to the prison, another his mother, another his wife, and others for whatever female relative each of them had, in order that having embraced them for the last time they might end their life thus.

40. And Dionysodorus sent for my sister to come to the prison, for she was his wife. And when she knew this she went, dressed in a black garment, as was fitting on account of the terrible fate of her husband.

41. In the presence of my sister Dionysodorus left his property as he thought best, and said of this man Agoratus that he was responsible for his death, and begged me and Dionysius, his brother, and all his friends to be revenged on Agoratus in his behalf.

42. And thinking his wife was with child he told her if a son was born to tell the boy how Agoratus had killed his father, and to command him on his father's behalf to take vengeance on his murderer. That I speak truth I furnish the witnesses.

43. So these men were informed against and put to death by Agoratus. When the Thirty had removed these I think you know many misfortunes befell the State. For all of which this man is responsible, as he put them to death.

44. It grieves me to be recalling the misfortunes which happened to the State; but it is necessary, Judges, for you to know how much you are to pity Agoratus in this matter.

For you know what sort of men and how many there were of the citizens who were carried away from Salamis, and what

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fate they met at the hands of the Thirty, and how many of those from Eleusis experienced this misfortune; and you remember those here who were led off to prison on account of private enmities.

45. They, having injured the city in no way, were forced to die a most shameful and inglorious death, some leaving aged parents who had hoped to be supported in their old age by their sons, and at their death to be buried by them, some leaving unmarried sisters, some little children needing their care.

46. What opinion, Judges, do you think they who were deprived of their dear ones by this man would have of him? Or what vote do you think they would cast were it in their power. And yet [you are aware] that the walls were torn down and the ships given over to the enemy and the shipyards destroyed, and the Spartans held your Acropolis, and the whole power of the city was undermined so that the city was in no way different from the smallest town.

47. Besides this you lost your private property and were driven in a body by the Thirty from your country. Those who were good men, Judges, having learned this said they would not allow peace to be made.

48. Those men, Agoratus, wishing to do some good to the city, you put to death, informing that they were plotting against the city and you are responsible for all the misfortunes which befell the city. So now, remembering these, not only each one his own misfortunes, but also those common to the whole city, take revenge on the cause of these evils.

49. I wonder, Judges, what he will dare to urge in defence. For he must show that he did not give convicting testimony against these men and that he is not responsible for their death, which he will never be able to do.

50. For in the first place the votes of the senate and

assembly witness against him, clearly showing about what Agoratus made the accusations. Then the sentence which was passed on him by the Thirty and revoked again clearly shows this "since," it runs, "he seems to have spoken the truth." Now read it to me.

51. Therefore he can in no way prove that he did not and in the names. He must make the following point clear; that he made the accusations justly, seeing these men doing injury to the republic and not well disposed to your body. But I do not think he will try to show this. But in fact if they did any wrong to the people of Athens, the Thirty did not condemn them for fear that the people should overcome, taking vengeance on account of them, but I think did quite the opposite of this.

52. But perhaps he will say that he did these evils unwillingly. But I do not think, Judges, that if any one with great unwillingness did great wrongs to you, greater than which there could not be, on this account you ought not to have revenge from him. Then remember this that it was possible for this Agoratus to be saved, and that he sat down at the altar of Munychia before he was brought into the senate. For his bondsmen prepared boats and were ready to sail away with him.

53. And if you had heeded them, and been ready to go away with them, you would neither willingly nor unwillingly have put to death so many Athenians. But being persuaded by those to whom you yielded, you thought that only you would give in the names of the generals and triarchs you would get something great from them. Therefore it is not necessary for us to feel sympathy for you since you felt none for those you put to death.

54. Hippias of Thasos and Xenophon of Caria, who were summoned by the senate on the same accusation as he, were

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executed, and Xenophon was tortured. But Hippias thus . . . because he did not appear worth saving to the Thirty (for they destroyed none of the Athenians). But Agoratus was acquitted because he appeared to have done the pleasantest things.

55. But I hear that he will above the blame on Menestratus for these documents. But the fault of Menestratus was not of this character. This same Menestratus was informed against by Agoratus, was arrested and put in prison. And there was Hagnodorus of Amphitrope, of the same deme as Menestratus, a connection of Critias, one of the Thirty. This one, at the time when the assembly was held in the theatre at Munychia, wishing at the same time Menestratus to be saved, and as many as possible of the people to be accused and put to death, brought him into the assembly and saved him according to this vote.

CONTINUATION OF AGORATUS.

56. WHEN they had passed this vote Menestratus made his accusations and added the names of others of the citizens. The Thirty acquitted him, as they did Agoratus, as he seemed to inform the truth, but you long afterwards brought him into court as a murderer and, justly voting death for him, gave him over to the people, and he was beaten to death.

57. If he was put to death then Agoratus should justly be killed, as he was responsible for the death of Menestratus having accused him, and who is more to blame for those killed by Menestratus than he who put him in such a position?

58. He seems to me to be different from Aristophanes who was his bondsman, and who, having boats ready at Munychia, was willing to sail away with him. And at least as far as it depended upon him you were saved, neither having destroyed any of the Athenians nor being yourself put in any such danger.

59. But you had the audacity to accuse your deliverer, and having informed against him you put him to death and also your other bondsmen. As he was not a pure blooded Athenian citizen some wished him to be put to torture and induced the people to pass this decree.

60. After this, those who had the administration of affairs at that time, went to Aristophanes and begged him to make disclosures and be saved, and not be in danger of enduring the most extreme penalties, being tried for usurping the

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rights of citizenship. But he declared he would never do it. Such an excellent man was he toward those imprisoned, and the people of Athens generally, that he preferred rather to die than unjustly inform against and put to death any of them.

61. That man killed by you was such a one, and Xenophon was tortured, and Hippias of Thasos. But you had nothing in common with all these men but you were persuaded that if they were put to death you would have a share in the government established, and you accused and put to death many good Athenians.

62. I wish to show you, Judges, of what sort of men you were robbed by Agoratus. If there were not many of them you should hear about them separately, but as it is, collectively. For some of them who had been your generals gave over the city to their successors in an improved condition. And some held other high offices and performed the duties of trirarchs and never had any reproachful charge from you.

63. For some of them were saved and are present whom this one, as far as he could, put to death with cruelty (and indeed sentence of death was passed on them) but chance and providence saved them. For fleeing from here and not being taken nor awaiting their trial, they came from exile from Phylè and were honored by you as being brave men.

64. Of these men, I say, some Agoratus put to death, others he made exiles from here. But who was he? For you must know that he was a slave and the son of slaves, that you may understand what kind of a man persecuted you. His father was Eumares and Eumares was the slave of Nisokles and Antikles. And now witnesses take the stand.

65. Now, Judges, it would be a long task to enumerate the shameful and disgraceful things done by him and his

brothers. As regards his sycophancy, either how many private suits he brought by false accusation or how many prosecutions or dispositions he made, it is not necessary for me to say in detail. For you all together in the assembly, and in the court, convicted him of sycophancy, and he was fined ten thousand drachmae.

66. This has been sufficiently proved by you all. A man of this sort he endeavored to seduce and betray the free born wives of the citizens, and he was taken in adultery. Death is the punishment for this. That I am speaking the truth call up the witnesses.

67. Judges, there were four brothers. The eldest having been taken in the act of making treasonable signals to the enemy by Lamarchus of Sicily, was beaten to death. The second abducted a female slave in Corinth from a woman of the place, and, being taken and put in prison, was put to death.

68. The third, Phainippides, arrested as a thief, and you being his judges and passing death sentence on him, gave him to be beaten to death. I think he will admit that what I say is true, and we have witnesses.

69. Why, then, is it not proper for you all to convict this man? For if each of them was worthy of death for one crime, surely, since he has committed many offences, both publicly against the State and privately against you, for all of which crimes the penalty is death in our laws, you must condemn him to death.

70. Judges, he will assert and try to take you in [pretending] that he killed Phrynichus in the time of the Four Hundred; and he says the people made him an Athenian on account of this. But he lies, Judges; for he neither killed Phrynichus, nor did the people make him an Athenian.

71. For, Judges, Thrasybulus of Calydon and Apollodorus

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rus of Megara conspired against Phrynichus. When they came up to him as he was walking, Thrasylbulus struck Phrynichus and felled him with a blow, but Apollodorus did not even lay hands upon him. Then a shout was raised, and they set off to escape. But Agoratus was neither called in to help nor did he know anything of the deed. This vote will make it plain to you that I tell the truth.

72. That he did not slay Phrynichus is plain from this decree. For nowhere is it that Agoratus is an Athenian as it is that Thrasylbulus and Apollodorus are. If he did kill Phrynichus his having been made an Athenian ought to be on the very same pillar as Thrasylbulus and Apollodorus . . . by giving money to the orator they get their own names inscribed on the pillars as being doers of good. And this decree will convince you that I speak the truth.

73. So much does this one despise you that, not being an Athenian, he served on the jury and in the assembly, and brought all manner of indictments having himself enrolled as an Athenian. Phrynichus established the Four Hundred, but when he was put to death many of the Four Hundred fled.

74. Do you think, therefore, that the Thirty and the senate, which was in session under the administration of the Thirty, all of whom were of the Four Hundred exiles, if they had captured the man who killed Phrynichus, would have let him go or punished him on account of the exile to which they were subjected? I think they would have punished him.

75. If, on the one hand, he pretends to have killed him though he did not, he is, as I say, guilty. But if you deny it and say that you did kill Phrynichus, it is plain that by doing greater evils to the Athenians you purged yourself to the Thirty of the charge concerning Phrynichus. For you

can never persuade any man that, having killed Phrynichus, you were let off by the Thirty, unless you did great and incurable wrongs to the people of Athens.

76. If, therefore, he asserts that he killed Phrynichus, bear these things in mind and take vengeance for what he has done. But if he says he did not, ask him on what account he says he became an Athenian. If he can not show how, punish him because he acted as a juror and served in the assembly and accused many falsely, having his name enrolled as an Athenian.

77. I hear that he will allege in defence that he went to Phylæ and came back from Phylæ with the rest, and this is his strongest plea. This was the fact. He went to Phylæ. And how could there be a greater wretch than he who, knowing that there were many at Phylæ whom he himself had banished, dared to go there to them?

78. As soon as they saw him they seized him and took him to kill him at the same place where they put others to death, whenever they caught any robber or criminal. But Anytus said that they must not do this, telling them they were not in a condition to take vengeance on some of their enemies but must now keep the peace, and if they ever returned home then they would punish those who had done them injury.

79. Saying this, he became responsible for this one's escape at Phylæ. And they were obliged to obey a general if they were to be saved. But more than this: no one would receive him as a messmate or be his tent companion, nor would the taxiarch give him a place in his line, but as if he were accused no man would speak to him. And call the taxiarch to me.

80. When the assemblies were held with each other and the citizens from Piræus made a procession into the city,



Aesinus was the leader of the citizens, and so audacious was this one that he also was there. Having taken arms he accompanied them and took his place in the procession with the citizens to the city.

81. When they reached the gates and halted before going into the city, Aesinus saw him and went to him and seized and flung down his shield and told him to go to the crows away from the citizens. For he declared that a murderer should not proceed in the procession to Athens. Thus was he dismissed by Aesinus. That I tell the truth, call up my witnesses.

82. This was the relation, Judges, in which he stood to the citizens at Phylæ and the Piræus. For no one spoke to him because he was a murderer, and Anytus is responsible for his now being alive. If, therefore, he alleges in defence that he was on the way to Phylæ, he must answer whether Anytus was responsible for his not being killed when they were ready to punish him, and whether Aesinus took away his shield and would not let him join the citizens in the procession, and whether any taxiarch enrolled him on his list.

83. Thus you should neither receive this excuse from him, nor if he says he is punished a long while after the crime. For I do not think there is any limited period for such an offence; but I do think if anybody is punished, either immediately or after a long time, he must show that he did not do the things of which he is accused.

84. Let him prove this: either that he did not kill these men, or that he did it justly as they did some wrong to the people of Athens. And if we punish him a long time after he should have been punished, he gains the time he has lived which did not belong to him, and the men were killed by him just the same.

85. But I understand that he lays great stress upon the

fact that he was indicted by Apagoge as taken in the act. I think that is the most foolish thing of all. As if he would have been liable to Apagoge if it had not been added "taken in the act!" But as this has been added he thinks there will be some relief for him. But this is the same as allowing that he put the men to death but was not taken in the act; and he relies a great deal on this, as if he must be saved because he killed the men but was not taken in the act.

86. The Eleven who served this Apagoge seem to me not to have thought they were then sharing in the same deeds with Agoratus, and believing that they were acting rightly, forced Dionysius to bring in Apagoge, and then added "taken in the act." First, then, having informed against some in the presence of the Five Hundred in the senate, and then of the whole body of Athenians in the assembly, he slew some and became responsible for their death.

87. For he does not think this alone is "taken in the act," but if any one struck a man with a club or sword and knocked him down, since by your argument no one appears to have slain the men whom you deposed. For no one either knocked them down or killed them, yet they were forced to death by your accusation. Therefore is he, who is the author of their death, not "taken in the very act"? For who else was the author, if not you who deposed them? So, then, in what way are you not their murderer, taken in the very act?

88. I understand that he will talk of oaths and agreements; that he is on trial in violation of the oaths and compacts which we in the Piræus confirmed with those in the city. Accordingly, putting so much trust in these things, he confesses he is a murderer. So he puts something in the way, either oaths or compacts or "taken in



the act," but he does not trust to the deed itself that he will come out of the trial successfully.

89. But it is not fitting for you, Judges, to accept his defense on these grounds. Bid him make his defense on these points: that he did not give in the names, or that the men were not put to death. Then I think the compacts and agreements have nothing to do with us in this case. For the oaths were made by those in the city to those in the Piræus.

90. Now if he was of the city party and we of the Piræus, the oaths would have some argument for him. But the truth is, he is of the Piræus party and Dionysius and I and all the rest of those who are taking vengeance on him, so that there is nothing at all in our way. For those in the Piræus made no oaths with those in the Piræus.

91. By all means this one seems to me to be worthy not merely one death; this man who says he was adopted by the people, and seems to have treated badly the people whom he calls his father, and neglected and betrayed those by whom he might have become better and more powerful. One, therefore, who is found to have maltreated his father and not to have furnished him with the necessities of life, and to have taken away from his adopted father the property he had, does not he on this account, by the law of maltreatment, deserve to be put to death?

92. It is the duty of all of you, Judges, just as of each one of us, to take vengeance on behalf of these men. For when they died they left this charge to you and to us, and to all others, to punish on their behalf this Agoratus, their murderer, and to injure him as much as each one could. If these men ever did any good to the State, or to your body—and you yourselves admit that they did—it is the

duty of all of you to be their friends and relatives, so they made this request no more of us than of each one of you.

93. Accordingly it is right, neither by divine nor human law, for you to let this man go. Therefore do you now, Athenians, take vengeance on this man, their murderer, since you can do so, as at the time the men died you were not able to aid them on account of the circumstances which surrounded you. Remember, Athenians, that you are not doing the cruellest act of all. But if you acquit this Agoratus you are not only doing this but also, by the same vote, you sanction the death of those men whom you admit to have been well disposed to you.

94. By acquitting the man who is the author of their death, you are deciding that they were justly put to death. They would feel most terribly if those to whom they had entrusted the task of revenge, as being their friends, should cast the same vote as the Thirty on these men.

95. By the gods, Judges, do not in any way, or by any act or contrivance whatever, vote to sanction the death of these men, who were killed by the Thirty and this Agoratus for having done many good things for you. Remembering all the evils, both those in common with the State and those in a private way, as many as there were to each when these men met their death, take vengeance on the author of these things. It has been clearly proved from the votes and testimony and everything else, that Agoratus was the cause of their death.

96. Besides, it is your duty to vote in opposition to the Thirty. You acquit those whom they condemned. You condemn those whom they acquitted. The Thirty decreed death for those men who were your friends whom you must acquit. They acquitted Agoratus since he seemed to destroy those zealously; him you should condemn.

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97. If you vote in opposition to the Thirty, in the first place you will not be their accomplices, then again you will have avenged your own friends; finally, you will seem to have voted in accordance with divine and human laws.

THE OVERTHROW OF THE DEMOCRACY.

HAVING remained in Athens during the rule of the Thirty Tyrants, when most of the democrats had left it, the speaker was accused of having favored "the overthrow of democracy." The following is his reply to the charge:

1. After listening to such speeches, O Judges, and remembering, as you do, all the events that have lately occurred, it is not at all surprising that you regard with equal anger all of us that have remained in the city. But at my accusers I must say I am surprised. Intently watching the business of others, they seem to have neglected their own. Well knowing which of us were innocent during the stay and which of us were guilty of many crimes, instead of making their charges accordingly, they have lumped the innocent with the guilty, apparently expecting to increase their profit by inducing you to look on all of us in the same light.

2. In attacking me, why attack the Thirty? Simply to involve me in the common odium. But in both points they fail. In their attacks on the Thirty they show their incompetency as orators, for they have brought to your notice only a small part of their misdeeds. In their attempt to connect me with the crimes of the Thirty they commit even a greater blunder, for I shall have no difficulty in showing them to be liars in every particular. During the whole of my stay I shall prove myself to have been as good a citizen as the most respectable Pirman would be if he had remained in the city.

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3. I need hardly ask you, O Judges, to entertain an opinion on these matters quite different from that of the informers. It is their game to drag the innocent into court—off such they make the most money—but it is your exalted privilege, O Judges, to secure for every innocent man the full measure of his rights as a citizen. Only thus, as you know, you secure the greatest number of supporters for your government.

4. Therefore, O Judges, if I show myself to have done no wrong to anyone, and, on the contrary, to have performed, by arm as well as by means, many valuable services towards the State, I think I am entitled to such treatment on your part as—I will not say a benefactor—but as every citizen that is not a malefactor has an undoubted right to expect.

5. In the first place, I can point to one signal proof that my accusers have no case against me. If they were able to bring any specific charge against myself would they have accused me of the crimes of the Thirty? Why blame one for misdeeds committed by another? Why not invoke justice on the perpetrator himself? The answer is obvious. They have no crime to lay to my charge. But they have persuaded themselves that the public indignation cherished against the infamous Thirty is overwhelming enough to involve even the innocent in one common destruction.

6. But in this they are mistaken. When a man has performed distinguished services towards the State we all know how unjust it would be if others obtained the rewards and the favors that are rightly his due. And we also know that, when a man has committed many evil acts, how equally unjust it would be to make the innocent suffer the censures and the punishments that should be inflicted on the guilty alone. These points we should particularly remember just now when the enemies of the State are numerous enough and un-

scrupulous enough to consider as fair game every one that they can, under any pretence, unjustly accuse.

7. But I must leave nothing to conjecture, O Judges. I shall therefore endeavor to show you what kind of citizens prefer an oligarchy and what kind take to a democratic form of government. By this a double object will be secured. You will better understand the various sides of the case, and I, while explaining it, shall be defending myself, for I mean to show that neither in democracy nor in oligarchy have I committed an act that could show me to be prejudiced against your government.

8. First of all, then, it is necessary to bear in mind two great truths: one, that no man is naturally a democrat or naturally an oligarch; and (two) that as soon as he finds that a particular form of government does not suit him he will do his best to upset it. Wherefore, it is not the least of your duties, O Judges, to secure the greatest number possible of adherents to the present form of your government.

9. Such to be really the case, you know; and why it is so it is not difficult to understand from recent events. Remember how often the leaders of each party changed their minds. Did not Phrynichus, Pisander and their aids in government, after various acts of injustice towards you, dread your vengeance so much that they changed the former oligarchy? Did not many of the Four Hundred unite with the Piræans? Did not some of those that were instrumental in expelling a number of the Thirty after a while become members of that body themselves? And did not some of the "Enrolled of Eleusis," though they left the city in your company, actually blockade those that had already retired there?

10. Therefore, O Judges, it is not difficult to see that disputes between men seldom turn so much on the particular

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nature of the government as they do on the particular nature of the advantages that it holds out for each individual. If this be so, we have at once a principle whereby to test a citizen's real character. Simply examine how he has conducted himself in a democracy, investigating particularly at the same time the nature of the profits that would accrue to him from a change of government. Do this, and you can form the best possible judgment of his merits as a citizen.

11. For I think it to be self-evident that those who, under a democracy, for good and sufficient reasons, have been dishonored, or deprived of their goods, or subjected to any similar loss, naturally long for another form of government, expecting the change to prove a source of profit to themselves. *These, therefore, are oligarchs.* And I also think it self-evident that those who have performed many distinguished services towards the State, or even services of modest merit, just as naturally expect thanks from you for their deeds rather than punishment in spite of them. And I further think that accusations against such men it is unfair to listen to, and that no one ought to do so even if every member of the government proclaimed himself to be an oligarch.

12. By this test, O Judges, I am now willing to be tried. During the long period of the democracy never, publicly or privately, was there a wrong inflicted on me, on account of which I should become either tired of the present state of things or disposed for any reason to bring about a change. Five times was I captain of a trireme. Four times have I taken active part in a naval battle. Many taxes did I pay during the war; and all the other duties towards the State I discharged in a way that would not be unbecoming in any citizen whatsoever. For (13) all this a greater expenditure was often necessary than that enjoined by the State, but I

met it all cheerfully, so that I might gain your esteem and, in case some misfortune befell me, that I should find you more favorably disposed. But of all such pleasing prospects was I deprived as soon as the oligarchy came into power. For it was not those that had performed the most meritorious actions to your government that they considered worthy of favor. On the contrary, it was those that had wrought you most evils that they lifted to the highest honors, taking such injury as the best test of fealty. Bearing such things in your minds, therefore, O Judges, you see why you must not place confidence in the words of the informers, but in the acts proved to have been committed by each one of the accused.

14. By this test, again, O Judges, I am willing to be tried. I have shown what I was during a democracy. What was I in an oligarchy? I was never one of the Four Hundred. Let any one of the accusers that pleases step forward and prove the contrary. Nor when the Thirty came into power can any one show that I was ever present at their meetings or accepted one of their offices. The latter point especially should claim your attention. I had no office, either because I would not have one or could not get one. If I was unwilling to accept office from your enemies when I had the opportunity, I am certainly entitled to the approbation of my friends just now. But if they were too hostile at that time to give me an office, by what clearer argument can I prove my accusers to be liars?

15. Other actions of mine too, O Judges, may aid you in coming to a correct conclusion. During the whole period of the city's misfortunes I bore myself so that had the others been of my way of thinking, not a single one of you would have suffered an injury. During the whole period of the oligarchy's rule, not a single citizen can be shown to



have been sent by me into prison, not a single one of my enemies injured, not a single one even of my friends favored. Nor need you be surprised that such was my line of conduct. It was in keeping with that of my life in general. The times were bad and I wanted to have nothing to do with them.

16. For in those days to do right was difficult, to do wrong was easy for anybody. Still never shall I be shown up as having placed a single one of the Athenians on the condemned list, of having ever started an accusation, of having ever grown rich by robbing a single one of your people. Remember, however, that if you are justly irritated against the evil doers of those days, it is only just that those who did no evil in those days should rise higher in your estimation.

17. And this certainly, O Judges, is the strongest guarantee that I can give the democracy why it should have confidence in me. For I, who never did any wrong at a time when the utmost license prevailed, should at the present time particularly exert myself to be a useful citizen, well knowing that if I do wrong I shall instantly pay the penalty. In short, this is my rule of life: in an oligarchy I never covet another's property; in a democracy I am always ready to devote my own to the general good.

18. And, Judges, it would seem that some distinction should be made regarding the objects of public displeasure. It is all right, of course, to show your anger against those who have unjustly treated a democracy, but it is hardly just to pursue with your hatred all those that have not been unjustly treated by an oligarchy. Your anger should not prevent you from seeing who are your real enemies. They are not those that have not gone into exile themselves, but those who have driven you into exile. Not those that sought to retain their own property, but those that took away your

property. Not those that remained in the city for the sake of their own safety, but those that seized the city's government for the purpose of your destruction. If you do not recognize this distinction you are worse than the Thirty. You will destroy all those that the tyrants spared, so that not a single citizen shall be left alive.

19. Another point should also be taken into consideration, O Judges. You are well aware that in the government preceding the oligarchy, many of the officers pillaged the treasury; that some, when employed on your own especial affairs, accepted bribes; and that others alienated our allies by bringing unjust charges against them. Now if these were the only sufferers from the severities of the Thirty, even you yourselves would have looked on the Thirty as honorable men. But because they thought proper to punish the whole State for the wrongs committed by some of its members, you are naturally indignant, thinking it to be a terrible thing to lay the misdeeds of a few to the common charge of the whole republic. (20.) Therefore it is not right for you to walk in the way, nor to consider that to be unjust when you suffer it yourselves which you consider just when you made others suffer it. On your return to your native city you should retain the same sentiments of right and wrong as you had entertained on your departure. By such fair play you will restore complete harmony, make your State once more extremely powerful, and take the severest measures against your enemies.

21. Other actions of the Thirty it is also necessary to take into consideration, O Judges, so that the mistakes of our enemies may aid you in deliberating prudently regarding your own affairs. I have just spoken of harmony. Complete harmony is indispensable to our well being. When suffering in your exile, as long as you understood that the



rulers of the city were agreed in sentiment, very alim indeed were the hopes you entertained of an early return, rightly deeming that the concord of our government here was the greatest evil that could befall your exile. (22.) But as soon as you learned that over three thousand civilians were at variance, that fresh expulsions from the city were being made every day, that even the Thirty entertained opposite sentiments, and that those anxious for your success were in greater numbers than those ready to oppose you, then indeed you began to expect to be soon able to return to your city, and to inflict punishment on your enemies. Therefore you implored the immortal gods to keep your enemies doing what you saw them doing, rightly judging that your restoration would be sooner effected by the stupid wickedness of the Thirty than by the bravery of the exiles.

23. Therefore, O Judges, when deliberating on a course in the future, it is wise to make use of examples in the past. Consider those persons to be the most friendly to your republic who, earnestly desiring your concord, have always counselled you to abide by your oaths and treaties, believing such to be the strongest bulwark of your State and the deadliest blow to your enemies. For no news could they find harder to bear than that we were once more successfully carrying on our republic, and that our citizens were living harmoniously enough to show that no mistrust or rancor any longer existed among them. Right here, too, is just the place to (24) remind you that those who have fled from us most earnestly wish that the greatest number possible of our citizens should be publicly accused and dishonored, naturally hoping that all those unjustly treated will become their allies. They would therefore be enchanted to learn that you made much as possible of the informers, and gave

them great power in your city. For well they know that the best road for the return of runaway citizens is paved by the rascality of the informers.

25. You can't be too much on your guard against their machinations. What you suffered from them after the Four Hundred should be a case in point. Their counsels had never done you any good. They had never advised the peace and harmony that I now so strongly recommend as advantageous to both forms of government. Nevertheless they were allowed to do as they pleased. (26.) Epigenes, Demophanes and Clisthenes privately robbed the city for their own emolument, and publicly loaded it with the greatest evils. They persuaded you to condemn to death citizens without a trial, to unjustly confiscate the property of many, and others to sentence to exile or dishonorable treatment. They were such scoundrels that when bribed they let off criminals scot free, and when they could get nothing they insured their destruction by hauling them before you for public accusation. And they never ceased until they had drawn the State into sedition and other costly follies, and lifted themselves from poverty into vast riches.

27. And what was their effect on you? Why, you welcomed back those whom you had publicly expelled, you restored to honor those whom you had branded as infamous, you prevented the rest from uniting in peace and harmony, in short, you seemed more disposed to inflict punishment on informers in a democracy than on even rulers in an oligarchy. Yet all this is very natural, O Judges; for it is evident to all that it is unjust ruling in an oligarchy that gives rise to a democracy, but that it is by informers in a democracy an oligarchy has been twice established. Therefore, beware of them. It is not wise to listen often to the advice of those from whose counsel you have not even once derived any advantage.

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28. Contrast their advice with that of your real friends. Those Piræans that have held the highest honors, encountered the greatest dangers, and performed the most important services for your State, have always advised it to abide steadfastly by its oaths and treaties, confident that such a line of conduct is the essential protection of democracy. This course they advise now. It assures to those who had remained a pardon for the past, and to the Piræans themselves the unquestioned stability of democratic power.

29. Such advisers you can certainly trust more confidently than the runaways who, aided by others, fled from the city in times of danger, and now on their return ply the trade of informers. What advice are such creatures capable of giving? People who, like myself, have remained in the city, have given sufficient proof of what kind of citizens they are, whether in an oligarchy or in a democracy. (30.) But as for the informers, suppose somebody had enrolled them among the Thirty, what would they have done in an oligarchy? We answer by asking, what have they done in a democracy? Indigent, they have become wealthy; enjoying many offices, they give an account of none; instead of harmony, they preach discord; instead of peace, they announce war. They have made us unworthy of credit among the Greeks.

31. Authors of such evils and of many others just as bad, and differing from the Thirty only in making us endure in a democracy what the Thirty made us suffer in an oligarchy, they imagine themselves to have a perfect right to ill-treat whosoever they please, deeming all others to be criminals and themselves to be the only just men.

32. It is not, however, at the audacity of the informers that we should be surprised, O Judges; it is rather at the effeminacy of your people, who seem to consider democracy

to be that form of government where these fellows can act as they please, and where the victims of the law are not those who rob others, but those who object to be robbed themselves. This is the condition of the public spirit that they wish to continue. (33.) On our weakness they grow strong. They are jealous of all advice that might arouse us. They are so mean as to prefer our State to remain small and weak rather than become great and free through the instrumentality of others. The serious danger threatening us from the Piræans they rather like; as long as it lasts they think they can act as they please. What they dread is that safety comes from some quarter where they have no influence. For then surely would their power be weakened, and that of the successful champion correspondingly magnified. It might indeed prove to be your salvation, but your salvation—if brought about by others—is the very thing they dread and violently struggle against.

34. This appears to be strong language, but no one that tries will find any difficulty in proving it to be true. The informers themselves do not pretend to deny it. Indeed, they are rather ashamed of themselves if their rascality is not openly acknowledged. It must be evident enough to you, O Judges, seeing one-half of it yourselves, and hearing the rest from others. As for me, I simply repeat that it is your duty to treat all citizens according to your oaths and covenants. As, when we see the guilty suffering punishment, no matter what we remember, we forgive everything; so, when we see you making no distinction between the innocent and the guilty, by that very sentence of yours, you compel us all to entertain an exceedingly grave suspicion.

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THE OLIVE TREE.

1. I used to think, Boulè, that it was possible, if one wished, to keep quiet, and not to be troubled with lawsuits and vexatious business: but I have now fallen in with such unlooked for charges and such villainous accusers that, were it possible, it seems to me even unborn generations must fear for what is before them. For through this sort of men those who have done no wrong are in as great danger as those who have committed the greatest crimes.

2. The trial is the more perplexing to me, as I was first charged on the indictment with having cut down a sacred olive on my land; and my accusers went to the men who had bought the fruit of the olives, making inquiries. As they could find no proof against me in this way, they now charge me with having cut down an old stump, thinking that this charge will be the hardest for me to gainsay, and the easiest for them to prove what they wish.

3. And I am compelled, on matter which they have brought into court fully worked up, to fight for the enjoyment of country and property, having only heard the charges at the same moment as you who are to decide the case. So I shall tell you everything from the beginning.

4. The place formerly belonged to Peisander. When his estate was confiscated it was given to Apollodorus of Megara. He farmed it some time, and a little while before the time of the Thirty, Anticles bought it of him and let it. And I bought it of Anticles in time of peace.

5. So I think, Boulè, that it is my duty to prove that when I bought the place there was not an olive tree nor stump upon it. For, if before that time there had been ten thousand olives, I don't think I could justly be made to suffer for it. If the olives were not injured by me, I could not be held accountable for the crimes of others.

6. You all know that among the other evils caused by the war was this, that while estates at a distance from the city used to be plundered by the Lacedemonians, the estates near it used to be sacked by our own citizens. Would it be at all just for me to pay the penalty for the damage done by our public disasters? Especially as the place, on account of its confiscation, was abandoned for more than three years.

7. It is not to be wondered at if olive trees were destroyed at a time when it was impossible for us to protect our own property. You know, Boulè, especially such of you as have charge of these things, that there were at that time many places thick with olives, both private and sacred ones, most of which have now been cut down, and the land has become bare. You would not think of taking punishment from those who owned the place in peace and war, when it was other people who cut them down.

8. If those who farmed the place at different times of the period are not held responsible, how much more ought those who did not buy until the peace be considered harmless by you?

9. However much I might say about the place before I bought it, I think I have said enough. Within five days after I obtained the place I let it out to Kallistratus in the archonship of Pythodorus.

10. He farmed it two years mentioning no olive tree, sacred or otherwise, nor any olive stump. Demetrius had it the third year. In the fourth year I let it to Alkias, a



freedman of Antisthenes who has been dead three years. Finally, Proteus hired it. Come hither witnesses.

11. When that time elapsed I farmed it myself. My accuser says that it was during the archonship of Sumiades that I cut down the olive. But those who farmed it before I did, and hired it many years of me, assure you that there was no olive on the place. What can be clearer than that my accuser is lying? It could not be possible if there was no tree there, that I, farming the place last, cut it down.

12. Formerly, Boulâ, when men said that I was sharp and careful, and would do nothing without a plan and purpose, I was annoyed and preferred that they should speak of me as they ought; now, however, I should like all of you to have this opinion about me, that you may believe that I took good care to see—since (as he says) I was taking such matters in hand—what profit there was in cutting it down, and what penalty for so doing, what good I should have got if I escaped detection, and what I should have suffered at your hands if I was detected.

13. For men do not do things of this kind out of lawlessness, but for gain. And it is fitting for you to see to it that the prosecutors make their charge on this ground, proving what advantage I got in doing this wrong.

14. Nikomachus cannot show that I did it on account of my poverty; nor that the value of the place was lessened by the olive being there, nor that it injured the vines, or was near the house, nor that I was ignorant of the danger I was in before you for doing it. But I can show you that a tremendous penalty would have been the result had I cut it down.

15. For I was cutting the olive in broad daylight, as though, so far from keeping it a secret from all, it was necessary for every Athenian to know it. If the deed had been

merely a disgrace, perhaps a chance passer by would not have troubled himself about it. I was risking not disgrace, but great punishment.

16. Should I not be the most wretched of all men if my slaves, being acquainted with my crime, became no longer my slaves, but my masters for the rest of my life? For I could not punish them for the greatest offence they might choose to give. For they would know well that it was in their power, by turning informers, to be revenged on me and get their own freedom.

17. Supposing it had entered my head to disregard my slaves, how should I have dared, when so many persons had rented the place, and every one of them would have known it, to cut down the olive merely for gain? Especially since, as there is no limit to the liability of those who farmed the place, it equally concerned them all that the stump should remain intact, so that if any one charged them they could transfer the charge to their successor. They have evidently cleared me, and if they have lied have become participants in the crime.

18. Again, supposing I had squared matters with them, how could I have bribed all who are present or the neighbors, who not only know about each other's public affairs, but also about those we try to keep a secret from all. Some of these are my friends, but others are not on good terms with me.

19. These my accuser should have brought as witnesses and not made the charge at random. He says I stood near while my slaves cut out the stump and the driver put the stump in his cart and went away with the wood.

20. Then was the time, Nikomachus, for you to summon the witnesses who were there and show up the crime. You would have left me no escape, and if I were hated by you,

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you would have had revenge in this way. If you did it from patriotism, having (21) exposed me in this manner, you would not seem to be acting the part of a sycophant, and if you desired gain, in this way could you have obtained most. As the crime was clear I should have had no means of safety if I did not bribe you. As you did none of these things you seem, by your assertions, to be destroying me, having said in the prosecution that no one wishes to testify on account of my influence and wealth.

22. If, when you said you saw me cutting down the olive, you had brought the nine archons or some one else from the Areopagus, no further witnesses would be needed. For thus the very men who judge the case would have known that you spoke the truth.

23. I am placed in a very unfair position. If he had produced witnesses he would have expected you to believe them, but since he has none he thinks to turn this to my disadvantage. And I do not wonder at this. For in a case like this he would not lack witnesses and arguments at the same time. But I do not think you hold the same opinion he does.

24. You know that there were in the country, in my other places, many olives and burnt stumps which, as they say I had set my heart upon it it would have been much easier for me to injure, cut down and encroach upon, as my crime was likely to be less apparent on account of the number of trees.

25. Thus I make them as much account as my country and other possessions, running the risk I do of losing both. I shall bring before you as witnesses those men who act as inspectors every month, and send collectors every year. No one of these men ever fined me for farming the ground about the olive.

26. It is very probable that taking such care about the

small fines I should pay no attention whatever to my bodily safety. Am I shown to take such care of the many olives, against which I might have committed the trespass, but called to account for the very olive which it was not possible to dig up without detection?

27. Wasn't it easier for me, Boulè, to break the laws during the democracy than under the Thirty? I don't say this because I had any influence at that time or as being now in a position of distrust, but it was easier for any one who wished to do wrong then than it is now. I am not charged with doing this or any other wrong during that time.

28. Shouldn't I of all men have been most ill-disposed to myself had I attempted to cut an olive from a piece of ground on which there was not a single tree except, as he says, the stump of one olive, about which the road ran on both sides, with neighbors dwelling on all sides and perfectly open to the view of all? Would any one have been so utterly reckless, such being the case, as to have done such a deed?

29. I think it strange that those men appointed by the city to look after the sacred olives never fined me for encroaching upon the trees nor brought me to trial on the charge of cutting them down, but that this man, who is not a neighbor, nor an inspector, nor old enough to know about such things, has entered me on the indictment as having destroyed an olive.

30. I want you not to place more trust in the assertions of my accuser than you do in the facts themselves, nor accept the word of my personal enemies in matters which you yourself know about, but to form your opinions from what I have told you and from the rest of my conduct as a citizen.

31. For I did everything allotted to me in a grander man-



ner than I was compelled to do by the State; equipped a trireme, acted as "choragus," and performed all my other duties more expensively than the rest of the citizens.

32. If I had done these things in a moderate way, and not expensively, I should not be fighting against exile and for my possessions, but should be worth more, and not unjustly be on trial for my life. If I had committed the crime with which he charges me I should have gained nothing, but only brought myself into difficulty.

33. You all would agree that it is more just to accept weighty proofs in a great case and to regard as more trustworthy those things to which the whole city testifies than those which the prosecutor alone asserts.

34. Look at the case, Boulè, from what took place besides. I went to him and said in the presence of witnesses that I now had all the slaves of which I had been possessed at the time I bought the place, and I was ready, if he wished, to give them up to be tortured, thinking that this would be the strongest test of his assertions and of the facts.

35. But he would not take them, saying that there was no trusting slaves. It seems to me strange that slaves when tortured make damning statements about themselves, knowing well that it will kill them, but prefer to be tortured than to inform on their masters, to whom they are naturally ill-disposed, when by doing so they could free themselves.

36. If Nikomachus had asked for them and I had refused to give them up, it would be evident that I thought them conscious of my guilt. As he did not wish to take them when offered, you rightly can have the same opinion about him, for the danger was not by any means evenly divided.

37. Had they denounced me there would have been no escape for me. If they had not testified what he wished he would have suffered no inconvenience. So that it devolved a great deal more on him to take them than on me to offer them. But I was thus zealous, thinking it was for my interest to have you learn the truth of the matter, whether from the evidence of slaves or freed men or facts.

38. Consider then, Boulè, whether you ought to trust me, for whom many persons have given testimony, or my accuser, for whom no one dares testify, and whether it is more likely that he lied when there was no risk to himself, or that in the face of such great danger I committed the act, and whether you think he made the accusation merely for the good of the city or as a sycophant.

39. For I think you know that Nikomachus, induced by my personal enemies, brought the case into court, not hoping to prove me guilty, but expecting to be bribed. For, in proportion as such charges are most easily imputed and most difficult to refute, so much the more do all men endeavor to avoid them.

40. I, Boulè, did not think it right to shun trial, but when he brought the charge submitted myself entirely to your disposal; nor did I try to conciliate any one of my enemies, who gladly speak evil of me and praise themselves, but who never attempt to do me any open injury, being men of such a character as these in whom you cannot justly place any confidence.

41. I should be the most wretched of all men if, unjustly, I were driven into exile, childless and alone, leaving my home desolate, my mother in need of everything, deprived of my country on the most disgraceful charges, although I have been engaged in many sea fights and many battles, and have conducted myself in an orderly



manner both under the democracy and under the oligarchy.

42. I do not know, Boulè, that it is necessary for me to say anything more. I have shown you that there was not an olive on the place, and I have brought witnesses and proof. You must judge the case, bearing in mind that you should learn from this man why, when it was possible to catch me in the act, he brings the accusation after so long a time, (48) and, although he brings no witness, wants you to trust his mere assertions when he could have arrested me in the act; and why, although I offered him all the slaves who were present, he refused to take them.

FOR MANTITHEUS.

1. If I did not know, Boulè, that my accusers wished to injure me in every way, I should have felt grateful to them for bringing this charge. For I think to men slandered unjustly these charges are of great benefit, as they compel them to exhibit their mode of life.

2. I feel so sure of myself that I hope, if any one here entertains feelings of dislike toward me, he will, having heard my speech, think better of it, and be in all after time a good friend to me.

3. I make no claim, Boulè, to do anything more than show you that I am well disposed to the existing constitution, and that I shared the same dangers that you did. If I make plain to you that I have lived well, contrary to all expectation and the assertions of my enemies, I want you to pass me and count them bad. First, I will show that I did not serve in the cavalry, that I was not in Athens at the time of the Thirty, and that I took no part in the government.

4. My father sent me before the disaster on the Hellespont to live at the court of Salyrus, king of Bosphorus, and I was not at home, either while the walls were being taken down or the constitution was undergoing change, but returned five days before the party at Phylè occupied the Piræus.

5. It is not likely that, arriving at such a time, I was desirous of sharing other people's dangers, and they evidently did not have any idea of sharing the management of the



government with those who were away from home and not guilty of disloyalty, but rather outraged those who helped them to abolish the democracy.

6. And in the next place, judging from the register is foolish. For there are many persons on this list who admit that they did not serve in the cavalry, and some are written there who were away from home. This is the strongest proof. For when you returned you voted that the phylarchs should give in a return of those serving in the cavalry that you might recover the allowances.

7. No one can show that my name was handed in by phylarchs, nor given to the revenue commissioners as having received an allowance. I perceive that it is plain to all that it was necessary for the phylarchs, if they did not give in the names of those having received the allowance, to be losers themselves. So you ought to put much more trust in the returns of these men than you do in the register.

8. Yet, Boulè, if I had served in the cavalry I should not have denied it, as if I had been guilty of a terrible crime, but should claim, if I proved I had done no one of the citizens any wrong, that I ought to be passed. I see that, following this plan, you have elected many who served in the cavalry at that time, and many of the generals, and many commanders of cavalry. Believe, then, that I make this defence for no other reason than that they have dared lie about me before the whole world.

9. I don't know that I need say anything further about the charges. I think in cases of another sort it is only necessary to make a defence by refuting accusations, but in trials concerning scrutiny, to offer to give an account of one's entire life. I wish you to listen to me fairly. I will make the account as short as I can.

10. Though I was left little money by my father, both on account of his misfortunes and the calamity that befell the city, yet I married off my two sisters, giving them thirty minæ as a dowry; and I so divided the property between myself and my brother that he admits that he had more than his share. And in all other relations of my life I have so behaved that no one ever brought an indictment against me.

11. I think the greatest proof of the blamelessness of my public life is that all the young men who habitually spend their time with dice, or in drink, or excesses of this sort, are my enemies; and it is just they who get up and circulate such stories about me. If I and they had held the same tastes, it is plain that they would have had no such opinion of me.

12. No one can prove that I have had a private suit, a public suit, or was ever impeached before the Boulè. But you see most men often engaged in such cases. Last of all, see how well I served the State in the army and in the expeditions against the enemy.

13. For first, when you made the alliance against the Boeotians, and it was necessary to send assistance to Haliartus, I was put in the list of the cavalry by Orthobulus; but when I saw that all thought the cavalry was safe but that there was danger to the hoplites, while others not qualified by law were trying to get enrolled on the cavalry, I reported myself to Orthobulus to be struck off the list, thinking it disgraceful to be in security myself while others were in danger. Come and testify for me, Orthobulus.

14. Again, when the members of my deme were assembled for the expedition, as I saw that some were honorable, wealthy and zealous, but that there were others who lacked the means for the journey, I moved that the wealthy provide



the outfit for the poor. And I not only counselled the others to do this, but I myself gave two men thirty drachmæ each; not that I was worth much, but for an example to the rest. Come forward, witnesses.

15. After this, Boulæ, during the expedition to Corinth, when all saw that there would be warm work, and others were shirking, I arranged to be stationed in the rank next the enemy. And especially when our tribe was overthrown and most of it perished, I retreated after that fine gentleman of Steiria, who has been reproaching all men with cowardice.

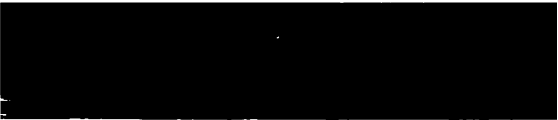
16. And not many days later, in Corinth, by the capture of the forts the enemy was unable to advance, and Agesilaus invaded Boeotia, and the archons voted to detach certain ranks and send them to aid. All were afraid (naturally enough, too, Boulæ, for it is hardly probable that men having just escaped would wish to place themselves in danger again), but I, going of my own accord to the commander, told him to send my company.

17. If, then, some of you are angry at those who think to take part in State affairs, and who nevertheless run from danger, you ought to have no such opinion about me. Not only did I do zealously the things commanded me but even exposed myself to great danger, and this I did, not because it was a light matter to fight the Spartans, but that if I ever were unjustly brought to any trial, I might, with a better reputation for valor, get full justice.

18. I did not shirk any of the other expeditions nor the garrison duty, but always marched with the foremost and retreated among the last. You ought to regard those who live well and orderly and not hate them if they show unusual courage. For habits of this sort injure neither the private citizen nor the city at large, but you are all benefited by those who meet the dangers of the enemy.

19. It is not right to either love or hate a man on account of his looks. For many who talk modestly and dress well have been the cause of great evils, and others who pay no attention to these things have effected great good.

20. I see that some, Boulæ, are dissatisfied because I, so young a man, have ventured to speak before the people. I was compelled to do so first on account of my case, and then I seem even to myself to be somewhat more ambitiously disposed than I ought to be, both because I remember my ancestors who never stopped working for the city, (21) and because I perceive that you (for I must speak the truth) think that only men of this sort are worth anything. So, seeing you have this opinion, who could not be induced to work and speak in behalf of the city? Why, then, should you be disgusted with men of this sort? For it is you and no other people who judge them.



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LYSIAS IN ERATOSTHENEM.

1. It does not seem to me difficult to begin the accusation, jurors, but to cease speaking: things such in importance, and so many in number, have been done by them, that neither by deceiving could I make the accusation worse than it really is (i.e., existing things), nor, being willing, would I be able to tell the whole truth; but it is necessary either for the accuser to grow weary, or for time to fail.

2. But we seem to be suffering the contrary from (what we suffered) in former times. For, formerly, it was necessary for the accusers to show the enmity which they had toward the accused; but now it is necessary to ask from the accused what enmity they had toward the State, on account of which they venture to do such wrongs to it. But I do not make these words as not having private enmities and misfortunes, but as if there were plenty of reason for all to be angry, on account of their private and public affairs.

3. In my own case, O jurors, having never pleaded either my own cause or that of others, I am now compelled, by what has taken place, to accuse this man, so that I often felt the greatest despondency, lest, on account of my inexperience, I should make the accusation, for my brother and myself, unworthily and unskillfully; still, I will endeavor to establish the truth of these charges as briefly as I can.

4. My father, Cephalus, was persuaded by Pericles to come to this land, and lived there thirty years; and neither we nor he ever brought an accusation against anybody, or were accused ourselves; but we lived in such a manner,

under a democratic form of government, that we neither wronged others nor were wronged by others.

5. But when the Thirty, being villains and sycophants, were established in power, affirming that it was necessary to rid the city of those doing wrong, and turn the remaining citizens to virtue and justice,—though making such professions, they did not venture to do such things as I, speaking first in my own behalf, and in behalf of you, shall try to remind you.

6. For Theognis and Piso said, among the Thirty, in regard to the metics, that there were some dissatisfied with the form of government; therefore there was a very good pretext to seem to punish them, but in reality to get their money, for the city was poor in every respect, and the government needed money.

7. And, without difficulty, they persuaded their hearers, for they thought it of no account to kill men, but to take their money they made of the utmost importance. Therefore they decided to arrest ten, and, of these, two poor men, in order that they might have a defence, in respect to the others, that these things were not done for the sake of money, but in the interest of the State, as if they had ever done anything reasonably.

8. Accordingly, distributing the houses, they used to go to them, and me they found entertaining guests, whom having driven out, they gave me up to Piso, and the others, going to the workshop, took an inventory of the slaves. And I asked Piso if he was willing to save me, taking a bribe; and he said he would, if there was much of it.

9. Therefore, I said that I was ready to give him a talent of silver, and he agreed to do it. I knew that he regarded neither gods nor men; still, in view of the existing state of affairs, it seemed to me to be absolutely necessary to take a pledge from him.

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10. And when he swore, imprecating destruction upon himself and children, that he would save me, on condition of receiving a talent, I went to my chamber and opened the chest. Piso perceiving this came in, and, seeing what was therein, called two of his servants, and commanded them to take what was in the chest.

11. But when he did not confine himself to the sum agreed upon, juro's, but took three talents of silver, four hundred cyziceni, a hundred darics, and four bowls of silver, I besought him to give me my travelling expenses; whereupon he told me to rejoice if I saved my body.

12. And Piso and myself, coming out (of the house), Melobius and Mnesitheides met, returning from the workshop; they overtook us at the very doors, and asked us where we were going; he said to my brother's (house), to see what was in that house; then they told him to go on, but bade me accompany them to Damnippus's (house).

13. And Piso, approaching me, told me to keep silence, and be of good cheer, as he was about to come there: and we found Theognis there, guarding the others: having given me up to whom, they went back; and, being in such circumstances, it seemed best to me to run any risk whatever, as if death were already at hand.

14. So, having called Damnippus, I spoke to him as follows: You happen to be a friend of mine, and I have come to your house; I have done no wrong, but I am about to be put to death on account of my property; do you, therefore, in consideration of my wretched plight, kindly use your influence in my behalf to secure my safety. And he promised to do it. But it seemed better to him to mention it to Theognis, for he thought that he would do anything, if one should give him money.

15. And, while he was conversing with Theognis (as I hap-

pened to be acquainted with the house, and knew that there were two doors), it seemed best to me to try to save myself, thinking that, if I should escape detection, I should be safe, but, if I should be taken, I thought that, if Theognis should be persuaded by Damnippus to receive a bribe, I should get off none the less, but otherwise I should die all the same.

16. Having thought of these things, I fled while they were stationing a guard at the hall-door, and there being three doors through which I must pass, all happened to be open; then, coming to the (house) of Archeneus, the shipmaster, I sent him to the town to learn about my brother; and he came, and said that Eratosthenes had seized him in the road and led him off to prison, and I, having learned these things, on the following night, sailed to Megara.

17. And the Thirty gave the command to Polemarchus, made customary by them, to drink hemlock, before telling the accusation, on account of which he was about to die, so much did he want of being tried, and making his defence.

18. And when he was carried out of the prison-house dead, although we had three houses, they permitted him to be carried out from neither of them; but, having hired a bier, they laid him out, and, although there was much clothing, they gave none to us, asking it for his burial, but of his friends, one gave a garment, another a pillow, and what each one happened to have, that he gave for his burial.

19. And although we had seven hundred shields, belonging to us, together with gold, silver, brass, ornaments, furniture and female clothing to an amount far beyond their expectations, besides a hundred and twenty slaves, of whom they took the best, and threw the rest into prison, they reached such a pitch of insatiable desire and avarice, that they made an exhibition of their character; for, from the ears of the wife of Polemarchus, Melobius took the golden



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earrings which she happened to be wearing, as soon as he came into the house.

20. And not in the least part of our property did we receive compassion from them; but they so wronged us, on account of our property, as others would in anger for great wrongs, though we did not deserve these things from the city, but paid the expenses of all the choruses, and many taxes, and showed ourselves orderly, and did everything ordered, and had no private enemy, but freed many of the Athenians from their enemies. Of such things they thought the metics worthy, unlike those who are citizens.

21. For they drove out many of the citizens to their enemies, and, killing many unjustly, left them unburied; and many enjoying the full rights of citizenship, in this city, they deprived of them; and they prevented the daughters of many about to be married (from being married).

22. And now they have become so audacious, that they come here to defend themselves, declaring that they have done nothing wrong or disgraceful; and I wish that they spoke the truth, for not the least share in this good would come to me.

23. But now these things are advantageous neither to the city nor to me, for, as I said before, Eratosthenes killed my brother, not having been wronged by him privately, or seeing him injuring the city, but zealously assisting his own transgression of the law.

24. And, having come up here, I wish to question him, O jurors, for this is my opinion: with a view to this man's advantage, I think it impious to converse even with another about him; but to his injury I consider it to be holy and honorable to speak even to himself; therefore rise up, and answer me what I ask you.

25. Did you lead away Polemarchus, or not? Fearing, I

did what was commanded by the Thirty. Were you in the council chamber when speeches were made about us? I was. Did you agree with those advising to kill, or did you oppose? I opposed. That we might not be killed? That you might not be killed. Thinking that we would suffer unjustly or justly? Unjustly.

26. Then, O basest of all men! did you oppose, in order to save us, but arrest us, in order to kill us? And, when the majority of you were masters of our safety, do you say you opposed those wishing to destroy us, but, when it was in your power alone both to save Polemarchus and not, did you lead him away to prison? Then because, as you say, by opposing you did no good, do you claim to be considered an honest man; but, because you arrested and tried to kill us, do you not think that you should suffer punishment for this?

27. And, moreover, it is not reasonable to believe him in this (if he speaks the truth in saying that he opposed), that it was commanded him. For surely, in the case of the metics, they did not take a pledge from him. To whom then was it less likely to be commanded than (to one) who happened to oppose them, and declared his opinion? for who was less likely to be a servant in these things than the man who opposed what they wished to be done?

28. And still it seems to me that there is a sufficient excuse for the other Athenians, to lay the blame of what has happened upon the Thirty. But how is it reasonable for you to accept the statements of the Thirty themselves, if they throw the blame on each other?

29. For, if there had been in the city any greater power than that by which he was ordered to kill men unjustly, you might justly pardon him; but now from whom will you ever exact punishment if it shall be possible for the Thirty to say that they did what was commanded by the Thirty?



30. (And while it was possible) to save him and abide by the commands of the Thirty, he arrested him, not in his house but in the street, and led him off. And you are all angry with as many as came into your houses making a search for you or for anything of yours.

31. But, if it was necessary to pardon those who have killed others for their own safety, you would more justly pardon them, for it was dangerous for those sent not to go, and to those overtaking to deny it; but it was possible for Eratosthenes to say, first, that he did not meet him; secondly, that he did not see him; for these things had neither proof nor trial, so that they could not have been investigated, even by those wishing to be enemies.

32. But you ought, O Eratosthenes! if you had been an honest man, far rather to have become an informer in favor of those about to die unjustly, than to arrest those about to die unjustly; but now your acts have been evident as those not of one troubled, but of one pleased with what has taken place.

33. So that it is necessary for the jury to give their decision from acts rather than from words, taking as proofs of the things then said, what they know to have happened, since it is not possible to furnish witnesses about these things; for it was not only impossible for us to be present, but also in each individual case, so that it is in the power of those who have done all evils to the State to say that they have done it every service.

34. I do not, however, shrink from the issue, but rather confess to you that I am utterly opposed (to their statements). Indeed, I wonder what in Heaven's name you would have done if in harmony with the Thirty, since when opposing them you killed Polemarchus. Come now, what would you do if you happened to be brother or son of his? would you acquit him? for Eratosthenes, jurors, must show one of two

things, either that he did not lead him away, or that he did this justly; but he has confessed that he arrested him unjustly, so that he has made your decision about him easy.

35. And now many, both of the citizens and of the strangers, have come to learn of your opinion about these things, some of whom, being your own citizens, will go away having learned either that they will suffer punishment for the crimes they shall commit, or, having done what they desire, will become tyrants of the city, but, failing, will be on equal terms with you; but the foreigners in the city will know whether they banished the Thirty from their city justly or unjustly, for, if the very men who have suffered ill shall acquit after having arrested, truly they will think that they themselves have been over-zealous in taking vengeance in your behalf.

36. Is it not, then, a hard thing if you punish by death the generals who conquered in the naval battle because they said they were not able to rescue their companions from the sea on account of the storm, thinking it was necessary to exact punishment from them on account of the valor of the dead; but these, who, as private citizens, did all in their power to be defeated in the naval battle, and, when they were established in power, confessed that they willingly put to death many of the citizens without a trial,—is it not necessary that both they themselves and their children should be punished by you with the most extreme punishments?

37. I then, jurors, think that sufficient accusation has been made, for I think it is necessary to carry the accusation up to this point; until things worthy of death shall appear to have been done by the accused; for this is the most extreme punishment we can inflict upon them, so that I do not know what need there is to make many accusations against men who would not be able to give satisfaction for each of their offences by dying twice.

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38. For it is not fitting for him to do that which is customary in this city, to make no defence against the accusations; but, speaking many things concerning themselves, they sometimes deceive, showing to you how good soldiers they are, or how many ships of the enemy they took when in command of triremes, or how many cities which were hostile they made friendly.

39. For command him to show where he killed as many of the enemy as of the citizens, or where he took as many ships as they themselves betrayed, or what city they acquired so great as this one of ours which they enslaved.

40. For did they take as many arms from the enemy as they have taken from you? did they take such walls as those of their own country which they dismantled? Who took away the garrisons about Attica, and made it plain to you that they did not dismantle the Piræus because the Lacedæmonians commanded it, but because they thought that thus their own power would be firmer?

41. Therefore I often wondered at the audacity of those speaking in their behalf, except when I consider that it is in their power both themselves to do all evils and to praise those like them.

42. For this is not the first time he has acted contrary to your majority; but in the time of the Four Hundred, having set up an oligarchy in the camp, he fled from the Hellespont, deserting his ship, although the commander of it, with Iatrocles and others whose names I do not need to mention; and, having come hither, he opposed those who favored a democracy. And of these things I will bring you witnesses.

WITNESSES.

43. I will pass over then his intervening life; but after the sea-fight and the disaster to the city took place, there

being still a democracy, five men were made Ephors by the so-called secret societies (whence they began a sedition), to assemble the citizens, lead the conspirators, and oppose your democracy, of which number were Eratosthenes and Critias.

44. And they appointed commanders over the guards, and they directed what ought to be voted and who ought to rule, and, if they wished to do anything else, they were masters; so not only by enemies, but also by those who were citizens, were you plotted against in order that you might vote nothing good, and might be in want of many things.

45. For this they knew, that they could not get the upper hand in any other way, but success for them depended on your misfortune; and they thought that you, wishing to be freed from your present evils, would not consider about future ones.

46. That it was in the power of the Ephors at that time, I will bring witnesses to you, not those then co-operating with him (for I should not be able), but those who heard Eratosthenes himself.

47. But, if they had been prudent, they would have borne witness against them, and would have severely punished the teachers of their crimes, and, if they had been wise, would not have considered their oaths binding to the evil of the citizens, but for the good of the State they would have easily transgressed them; therefore I say such things to them, and do you call witnesses for me, and you rise up.

WITNESSES.

48. You have heard the witnesses. At last, being established in power, he took part in no good deed, but in many of an opposite character. If, however, he was an honest man, he ought, in the first place, not to rule contrary to law; secondly, to become an informer to the council concerning

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all the reports, that they were false, and that Batrachus and Æschylides did not announce the truth, but told things invented by the Thirty, agreed upon for the injury of the citizens.

49. And indeed, jurors, all who were ill disposed toward your democracy remained quiet just the same; for there were others saying and doing things, greater evils than which could not come to the city. But for those who said they were well disposed, why did not they show it there, both by speaking what was best themselves, and preventing those doing wrong?

50. But perhaps he might be able to say he was afraid, and this will be a sufficient excuse to some of you. (Observe) then, if he shall appear to be opposing the Thirty in speech; otherwise it will be evident that these things pleased him, and he had so much power that although he opposed, he suffered no evil from them. And he ought to have this zeal for your safety, but not for Theramenes, who has wronged you in many respects.

51. But that he considered the city hostile and your enemies his friends, I shall establish by many witnesses; likewise that the quarrels with each other arose not on your behalf, but on theirs, to determine who shall do these things and govern the State.

52. For, if they made the revolt in behalf of those who had been wronged, when would there have been a better opportunity for a ruler to show his friendship than when Thrasylbulus had taken possession of Phylæ? But he, instead of announcing or doing anything good toward those at Phylæ, came with his fellow-rulers to Salamis and Eleusis, and led away three hundred of the citizens to prison, and by one vote condemned them all to death.

53. But when we came to the Piræus, and disputes arose,

and speeches were made concerning the truce, we each had many hopes of being disposed towards each other, as both parties gave indications; for the Piræus party, being superior, permitted them to depart, and they, having come to the city, drove out the Thirty, except Phido and Eratosthenes, and chose as leaders those most opposed to them, thinking justly that by the same persons both the Thirty would be hated, and the Piræus party loved.

54. Of these, then, Phido, who had been one of the Thirty, and Hippocles, and Epichares of Lampræ, and others seeming to be the most opposed to Charicles and Critias and their club, when they were established in power, made a much greater sedition and war against the Piræus party for the city party.

55. And they openly showed that they were making the sedition, not on behalf of the Piræus party, nor on behalf of those perishing unjustly, neither did they trouble themselves about the dead, nor those about to die, but those who had more power and were getting rich faster.

56. For, having seized the offices and the city, they made war upon both parties, both the Thirty who had done all evils, and you who had suffered all evils; and this was evident to all, that, if they were accused justly, you (were accused) unjustly, but, if you justly, the Thirty unjustly, for they were banished from the city, not having taken the responsibility of other things, but of these things.

57. So that it is necessary to be exceedingly indignant that Phido, having been chosen to conciliate you and restore you, took part in the same acts as Eratosthenes, and with the same mind was ready to injure those who were in the majority in their own party by means of you; and he was not willing to give back the city to you unjustly in exile, but, having come to Lacedæmon, he tried to persuade them to make an expedi-

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tion, falsely saying that the city would fall into the power of the Boeotians, and other things beside by which he hoped most of all to persuade them.

58. But not being able to obtain this, either because the sacred rites were in the way, or because they themselves did not wish it, he borrowed a hundred talents in order that he might be able to hire mercenaries; and they chose Lysander as leader, who was very friendly to the oligarchy, and most hostile to the State, especially the Piræus party.

59. Then having hired all men for the destruction of the city, and inciting cities, and finally the Lacedemonians, and such of their allies as they could persuade, they made preparations not to restore but to destroy the city (and would have succeeded), had it not been for certain brave men, to whom I charge you to show your gratitude by punishing these wretches.

60. You know these things yourselves, and I know it is not necessary to provide witnesses, nevertheless (I will), for I need to stop speaking, and it is more pleasant for you to hear the same words from as many as possible.

WITNESSES.

61. Come now, I will show you about Theramenes as briefly as I can, and I request you to hear me, both on behalf of myself and the city. And let it occur to no one that I am accusing Theramenes while Eratosthenes is on trial. For I learn that he will make this defence, that he was a friend of his, and took part in the same acts.

62. But I think that he, living as a citizen, in Themistocles' day, would strongly pretend that he was acting, in order that the walls might be built, since with Theramenes (he is acting), in order that they may be destroyed; for they do not seem to me to be worthy of a comparison, for he built

them up against the will of the Lacedemonians, but this man has torn them down, after deceiving the citizens.

63. For the opposite has happened to the city from what was natural. For it was right that the friends of Theramenes should be ruined with him, except if one happened to be acting in opposition to him; but now I see that the defence is thrown upon him, but that his companions are trying to get honor, as if he had been the cause of many blessings, and not of great evils.

64. Who, in the first place, was the chief cause of the former oligarchy, having persuaded you to choose the constitution, in the time of the Four Hundred? his father, being one of the probouli, did these things, and he himself, seeming to be in full sympathy with the affair, was chosen general by them.

65. And, while he was in office, he showed himself faithful to the city; but, when he saw that Pisander and Calleschrus and others were superior to him, and that your majority no longer wished to hear them, then, on account of his enmity towards them, and his fear of you, he took part in the acts of Aristocrates.

66. And, wishing to seem to be faithful to your majority, he accused, and put to death, Antiphon and Archeptolemos, who were great friends of his, and reached such a pitch of wickedness, that at the same time, on account of his faith to them, he enslaved you, and on account of his (faith) to you he destroyed his friends.

67. Then being honored, and thought worthy of the greatest things, he himself, having announced that he would save the city, destroyed it, saying he had found a great and valuable thing. And he promised to make peace, without giving hostages, without dismantling the walls, and without giving up the ships, and wished to say these things to no one, but he commanded you to trust him.

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68. But you, Athenians, while the council of the Areopagus was acting for safety, and many were opposing Theramenes, though you knew that other men keep secrets from the enemy, while he, even among his own citizens, was unwilling to state those things which he was going to state to the enemy, nevertheless intrusted to him your country, children, wives and yourselves.

69. But he did nothing of what he promised; on the contrary, he reflected that the city ought to be small and weak, so that he endeavored to persuade you to do those things which no one ever mentioned to the enemy, or hoped to mention to the citizens; not being compelled by the Lacedemonians, but himself giving orders to them, both to destroy the walls of the Piræus and to break up the existing state of government, well knowing that, if you were not deprived of all hopes, you would inflict speedy punishment upon him.

70. And finally, jurors, he did not permit the assembly to be held until the time mentioned by them was carefully watched by him, and he had summoned the ships from Samos with Lysander, and the camp of the enemy was in the city.

71. Then, this being the state of affairs, and Lysander and Philochares and Miltiades being present, they made an assembly, concerning the constitution, in order that no orator might oppose or threaten them, and that you might not choose what was advantageous, but might vote what seemed best to them.

72. And Theramenes stood up, and advised you to commit the city to Thirty men, and abide by the constitution which Dracontides proposed, but you, nevertheless, being so disposed, made a tumult as if you would not do these things, for you knew that you were deliberating that day concerning slavery and liberty.

73. But Theramenes, jurors (and of these things I will bring you yourselves as witnesses), said he cared nothing for your tumult, since he knew that many of the Athenians were doing things like himself, and he said things which seemed good to Lysander and the Lacedemonians; and after him Lysander rose up and said a great deal, but particularly that he considered you faithless, and that the question would be to you, not about a constitution, but about safety, unless you did what Theramenes commanded.

74. And of those in the assembly, the better portion aware of the preparation and the necessity, some remained and kept quiet; but others went off, knowing this, at least, that they had voted nothing wrong to the city: while a few villains and evil schemers voted what was commanded.

75. For they were commanded to elect ten whom Theramenes proposed, and ten whom those elected Ephors advised, and ten from those present; for they saw your weakness, and they knew their own power, so that they knew beforehand what was going to take place in the assembly.

76. And in these things it is not necessary to believe me, but him, for all those things said by me he said, in his defence in the council, reproaching the exiles, because they came back through his means,—the Lacedemonians not caring about it,—and reviling those taking part in the government, because he himself met with such treatment, after having been the cause of all the things done in the ways mentioned by me, having himself given many pledges, and received many from them.

77. And though he has been the cause of so many other evils and disgraces, both long ago and recently, and small and great, they will venture to declare that they are friends of him, when Theramenes died not on your behalf, but on account of his own wickedness, and was justly punished in



an oligarchy (for he destroyed it), as he would have been justly in a democracy; for he twice enslaved you, despising what was present and desiring what was absent, setting himself up as a teacher of most horrible things, using a most honorable name.

78. Concerning Theramenes, then, the accusations seem to me to be sufficient; and the time has come when it is necessary not to have pardon and pity in your decision, but to punish Eratosthenes and his fellow-rulers; and not by fighting to be superior to our enemies, nor by voting to be inferior to our private enemies.

79. Accordingly do not believe that they have more favor for what they say they are going to do, than you have anger for what they have done; neither plot against the Thirty when absent, and acquit them when present; neither aid yourselves in a manner worse than fortune has, which has given them to the city.

80. Accusation is made against Eratosthenes and his friends, upon whom he will lay the defence, and with whom these things were done by him; but there is not an equal contest between the city and Eratosthenes, for he was at once the accuser and judge of what was taking place; but we are brought now to an accusation and defence.

81. They put to death without a trial those doing no wrong; but you think it right to try, according to law, those who have destroyed the city; from whom even if you wished to exact punishment, contrary to law, you could not exact one worthy of the crimes which they have done to the city; for by what suffering could they suffer a punishment worthy of their deeds?

82. If you should kill these, and their children, should we exact a punishment worthy of the murder of those whose fathers and sons and brothers they put to death, without a

trial? or, if you should confiscate their real estate, would it be well either to the State from which they have taken many things, or to the private citizens whose houses they have plundered?

83. Since, then, by most stringent measures you could not exact a sufficient punishment from them, why is it not disgraceful for you to neglect any (penalty) whatever, one might wish to exact from them? It seems to me that he must be an audacious wretch who when no others are the jurors except those very ones who have suffered ill, has come to make his defence, before the very witnesses of his villainy; so much has he either despised you or trusted others.

84. Both of which things it is worth while to consider, reflecting that they would not be able to do these things without the co-operation of others, neither would they have attempted to come now, unless they thought they would be saved by those same persons who have come here, not to rescue them, but in the belief that there would be great security to them for what they have done, and in future the power to do whatever they wish, if, having arrested, you shall acquit those guilty of the greatest crimes.

85. But it is worth while to wonder at those asking with them, whether, as good honorable men, they make their accusations, showing their own virtue worth more than the baseness of these; and I wish that they were as zealous to save the city as these to destroy it; or whether they will defend themselves as skilful in speech, and will show their deeds to be worthy of much; but no one of them ever endeavored to speak justly in your behalf.

86. Again it is worth while to see the witnesses who, witnessing these things, accuse themselves, thinking that you are very forgetful and simple-minded, if, through your majority, they think without fear to save the Thirty; but



thanks to Eratosthenes and his fellow-rulers it became a fearful thing to go even to the carrying out of the dead.

87. But these men, being saved, would again be able to destroy the State, but those whom they destroyed, having died, gave their life beyond the vengeance of their enemies. Is it not a hard thing if their friends should perish with those who have died unjustly, while many will come anywhere to the funeral of those who destroyed the State when so many are prepared to go to the rescue?

88. And I think it far easier to resist your wrongs than to defend the conduct of these men. But they say that Eratosthenes did the fewest evils of the Thirty, and, on this account, they demand that he shall be saved; but because, of the other Greeks, he has done you the most wrongs, they do not think he ought to perish.

89. Now therefore do you show what opinion you have in regard to these matters. If you convict him, it will be evident that you are indignant at what has taken place; but, if you acquit him, you will seem to be desirous of the same things with them, and you will not be able to say that you did what was commanded by the Thirty.

90. For in the present case no one compels you to acquit contrary to your opinion, so that I advise you not to convict yourselves by acquitting these, neither think that your vote is secret, for you will make your decision known to the city.

91. I desire to conclude, after reminding both parties of a few things, the city party and the Piræus party, in order that, having as proofs the disasters which have occurred through their means, you may vote. In the first place, do you of the city party reflect that you were so severely governed by them that you were compelled to wage such a war upon your brothers, and sons, and citizens, that, being de-

feated in it, you would be on an equality with those who conquered, but conquering, would be slaves to them?

92. These villains, on the one hand, as a result of the strife, would have enriched their private resources, but you would be inferior on account of your war with each other, for they demanded that you should not assist yourselves jointly, while they compelled you to slander each other, having reached such a pitch of arrogance that, without sharing the offices with you, they had you faithful, but, sharing the reproaches, they thought you would be friendly.

93. Wherefore do you, being confident, as far as you are able, both exact punishment in your own behalf and in behalf of the Piræus party, reflecting that you were governed by those who were most vicious, that you are living now with the best of men, making war upon enemies, and deliberating for (the interests) of the city, and remembering the mercenaries whom these men made the guards of their power and your servitude in the acropolis.

94. This much I say to you, though there be many things beside: and do you of the Piræus party, in the first place, remember your warlike deeds, that, having fought many battles in a foreign country, you were deprived of your arms, not by enemies, but by these men in a time of peace; secondly, that you are proclaimed exiles from the city, which our fathers gave to you, and that they demanded you, having fled, back from the cities (to which you fled).

95. Therefore be angry as when you went into exile, and remember the other misfortunes which you suffered from them, who seized some from the market-place, and others from the temple, and put them to death, and, dragging others away from their children, parents and wives, compelled them to be murderers of their own kindred, and did not permit them to receive the customary burial; thinking



their own government would be more secure from the vengeance of the gods.

96. And those who escaped death, after having often been in danger, wandering to other cities, and being outlawed from every place, in want of the necessary supplies of life, some leaving their children in a foreign country, and others in a strange land, with much opposition, have come to the Piræus. And though there were many and great dangers, being honorable men, you freed some, and others you restored to their country.

97. But if you had been unsuccessful, and had failed in these things, you would yourselves have fled, fearing lest you should suffer just such wrongs as before, and neither temples nor altars would have helped you, injured through the characters of these men, which things are a source of safety even to those doing wrong; and your children, as many as were here, would be ill treated by them; and they, in a foreign land, would be slaves, on account of small debts, from the lack of those to assist them.

98. However, I am not willing to say what the future will be, not being able to say what has been done by them; for it is not the work of one accuser, nor of two, but of many; still (nothing of my zeal has been left out), I have employed all my zeal in behalf of the temples, which they in part have sold, and in part desecrated by entering; in behalf of the city, which they rendered weak; in behalf of the dockyard, which they dismantled; and in behalf of the dead, whom, now that they are dead, do you aid, since you were not able to defend them when alive.

99. But I think they hear you, and will know that you are voting, feeling that those who acquit these have condemned themselves to death; but as many as punish these have avenged them. I shall cease accusing. You have heard, seen, suffered, and hold the evidence: judge.

FUNERAL ORATION.

(1.) If I thought it to be possible, oh, you, who are present at these burial-rites, to adequately set forth in words the noble achievements of those who are lying here, I should blame those who bade me speak of those at a few days' notice, but since for all men all time would not be sufficient to prepare a speech doing justice to their deeds, therefore it seems to me that also the state, taking thought of those speaking here, issued the command at short notice, thinking that in this way especially they (*i. e.* the speakers) would meet with allowance on the part of the hearers. (2.) Still, my speech, indeed, (*is*) concerning these (*i. e.* the dead), but the contest (in which I shall be engaged) is not with their deeds, but with those who on former occasions have spoken of them. For their valor has furnished so great an abundance (of material) to those able to compose poems, and to those wishing to speak (*i. e.* to eulogize), that many beautiful things have been said about them by former (speakers), but (that) much has been omitted by them, and (that) it is possible for coming generations to say enough. For they were not ignorant of any land or sea, and every where and with all men those mourning at their own evils (or losses) sing of their valorous deeds.

(3.) First, I shall go through (or discuss) the contests (waged) by our ancestors, taking the record from tradition (*i. e.* with tradition as my source of information).



For it is right for all men to remember them too, celebrating them in songs, and honoring them on such occasions, (as these), and educating the living by the deeds of the dead.

(4.) Now, the Amazons were, in ancient times, the daughters of Ares dwelling by the river Thermodon; these alone of those (living) in their neighborhood being armed with iron (arms), the first of all to mount horses, by which unexpectedly, because of their ignorance, they overtook those of their adversaries who fled, and left behind those who pursued them, and on account of their valor they were considered men rather than women on account of their nature; for they were thought to surpass men more in valor, than to be inferior (to men) in outward form. (5.) And ruling many tribes, and actually having enslaved those (dwelling) around them, and by report hearing the great fame concerning this country, on account of glory and great expectation (*i. e.* because they were eager to gain fresh laurels and fully expected to be victorious), taking with them the most warlike of the tribes, they made an expedition against this city. But meeting with brave men, they became in spirit equal to their nature, and gaining a reputation opposite to the former one, they appeared to be women rather from the danger (*i. e.* from their cowardly conduct when in danger) than from their bodies. (6.) To them alone it happened not to become wiser in future, learning from their mistakes, nor, having gone home, to report their disaster and the valor of our ancestors; for here, meeting death, and paying the penalty of their folly, of this city they made the memory everlasting, through the valor (of its inhabitants) but made their own country nameless

through their misfortune here. Those, then, unjustly deriving the land of others, lost their own.

(7.) When Adrastus and Polynices took the field against Thebes and were conquered in battle, the Cadmeans not allowing (them) to bury the slain, the Athenians, thinking that these, if they were guilty they (now) had the greatest punishment, being killed, and that those below (*i. e.* the spirits of the dead) were not receiving their own (*i. e.* their due), but that the gods of the upper-regions, their shrines being polluted, were sinned against,—at first sending heralds, they begged of them to grant the removal of the dead, (8.) thinking it to be (the part) of brave men to seek vengeance on one's enemies, while living, but (the part) of men distrusting themselves, to show their courage on the bodies of the dead,—(the Athenians) unable to obtain this (permission to remove the dead), took the field against them (*i. e.* the Cadmeans), although there existed before this no disagreement between (them and) the Cadmeans, and (the Athenians) not (because) trying to please the Argives, (9.) but (because) thinking it right that the dead in (times of) war should obtain the customary rites, exposed themselves to danger towards (*i. e.* fighting) the one party, in behalf of both (sides),—in behalf of these, in order that no longer, wronging the dead, they might offer insult to the gods, and in behalf of the others, in order that they might not go back to their country, without obtaining ancestral honor and deprived of (the privileges granted by) Hellenic law and having failed to obtain the common hope (*i. e.* that which the vanquished always expected to receive from the victors,—permission to bury their dead.) (10.) Having con-



sidered this, and thinking that the chances in war are common to all men, (although) making many enemies, yet having justice (on their side) as ally, they conquered them in battle. And not elated by their (good) fortune, did they desire for greater punishment from the Cadmeans, but they displayed to these in contrast to their impioussness their own valor, and they themselves taking with them the prize for which they had come, the bodies of the Argives, buried them in their own Eleusis. In this manner they conducted themselves concerning the dead of (the army of) the Seven against Thebes.

(11.) At a later time, when Hercules had vanished out of (the sight of) men, and when his children were fleeing from Eurystheus and were driven away by all Greeks, who were, indeed, ashamed of their acts (towards Hercules' children) but feared the power of Eurystheus, (Hercules' children) coming to this city sat down as supplicants at the altars. (12.) And Eurystheus demanding their surrender, the Athenians refused to hand them over, but they revered Hercules' valor more than they feared the danger to which they would expose themselves; but they thought it their duty rather to fight with justice on their side in behalf of the weaker party, than to hand over to the strong, (because) courting favor with them, those who were being wronged by them. (13.) And Eurystheus taking the field against them with those who at that time held the Peloponnese, they (the Athenians) did not change their mind becoming nearer to the dangers, but they had the same opinion as before, (although) privately in no way having been benefited by their father, and (although) not knowing what kind of men they (Her-

cules' children) would turn out. (14.) But thinking it to be just, (although) no previous enmity existed between (themselves and) Eurystheus, nor any (prospect of) gain was held out except good fame, they took upon themselves (*i. e.* exposed themselves to) so great a danger in their behalf, showing pity on those, being wronged, and hating the aggressors and trying to hinder these, and thinking it right to assist those, holding it to be a mark of liberty to do nothing against one's will, and (a mark) of righteousness to come to the rescue of those who are wronged, and (a mark) of valor to die, if necessary, fighting for both. (15.) And so proud were both parties that those with Eurystheus did not seek to obtain anything from willing men, and the Athenians did not think it right that Eurystheus, even if coming as a suppliant himself, should take away their suppliants. And drawing up themselves in private force (*i. e.* it was a purely Athenian force) they fought and conquered the army from the entire Peloponnese, and they placed the persons of the children in (a position of) safety, and freeing them from fear, they also liberated their souls, and on account of the great achievements of their father they crowned them (the children) by their (the Athenians') own peril. (16.) So much more fortunate the children became than their father (had been). For he, although being the cause of many benefits to all men, rendering his life toilsome, full of strife and of ambition for himself, he did punish the other wrong-doers, but Eurystheus being both his personal enemy and a man who had wronged him, he was not able to punish. But his children through this city on the same day saw their own safety and vengeance taken on their enemies.

(17.) On many occasions, now, did it befall our ancestors to fight for the (cause of) justice, using one opinion (*i.e.* with unanimity). For the origin of their life was just; for not, as the majority of men, having been gathered from all quarters and driving out others, did they inhabit (a country) belonging to others, but, being autochthonous they had the same land both as mother and as country. (18.) The first and only ones at that time, expelling the ruling families among them, they set up a democracy, thinking that the freedom of all was (*i.e.* insured) greatest concord, and making the hopes (*i.e.* reward) of their dangers common to one another they administered the government in a spirit of liberty, (19.) according to law rewarding the worthy and punishing the bad, believing it to be the part of wild beasts to be overcome by one another by brute force, but (believing) that it behooved men to define justice by law, and to persuade by speech, and in their actions to serve these (*i.e.* law and persuasion), being ruled by the law, and taught by the spoken word.

(20.) And, indeed, being of noble descent and entertaining like sentiments, the ancestors of those lying here did many noble and admirable deeds, and their descendants left behind ever to be remembered and great trophies, (found) everywhere, through their valor. For alone, in behalf of the whole of Greece, they hazarded all, facing many ten-thousands of the barbarians. (21.) For the king of Asia, not contented with the good things he possessed, but hoping to enslave Europe also, sent an army of five hundred thousand men. And they believing if they should make this city either a willing friend, or should subdue it against its will, would easily rule the other Greeks, landed at Marathon, think-

ing that (the Athenians) would thus be most destitute of allies, if they should bring about the dangerous conflict while Greece was still divided as to in what way they should defend themselves against the invaders. (22.) Besides such an opinion had taken hold among them about our city (arising) from its previous achievements that (they thought) that if they should march first against another city, they would have to fight those and the Athenians; for (they thought) they (*i.e.* the Athenians) would be there readily to aid those who were being wronged, but (they thought) if they would come here first, that no one else of the Greeks would dare, by trying to save others, to assume (the responsibility of) open enmity with them (the barbarians) in their (*i.e.* the Athenians') behalf. (23.) These, now, thought thus. But our ancestors not calculating the dangers in war, but thinking that a glorious death leaves behind an everlasting memory of brave men, did not fear the great number of their adversaries, but trusted rather in their own valor. And being ashamed because the barbarians were in their country, they did not wait until their allies should hear of it and come to their aid, nor did they believe that they should thank others for their deliverance, but that the other Greeks (should thank) them. (24.) Resolving this with unanimity they, few in numbers, went out to meet many. For they thought that in common with all men, they were destined to die, but (that it behooved them) to be brave with the few, and that their lives were not their own on account of death, but that as a result of the dangers (they would run) they would leave behind a memory (which would be) theirs. And they considered that whomever they could not conquer alone, they would

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not be able (to conquer) with the aid of others, and that, if conquered, they would only perish a little before the others, but that, if conquering, they would liberate the others. (35.) And proving themselves brave men, and unsparing of their bodies, not careful of their lives now that it was a question of proving their valor, and reverencing more the laws prevailing among them, than fearing the danger (awaiting them in battle) with their enemies, they set up trophies, in behalf of Greece in their own country, on the borders, over the barbarians, who had invaded a foreign country in quest of gain, (36.) and so quickly did they expose themselves to the dangers, that the same men announced to the others the arrival here of the barbarians and the victory of our ancestors. And so no one else feared for the coming danger, but hearing (of our victory) they rejoiced over their own freedom. So that it is not surprising, that, although these deeds happened in ancient times, their valor is praised even to-day by all men, as if (these achievements) were recent.

(37.) After this, Xerxes, the king of Asia, despising Greece, but deceived in his expectations, disgraced by what had happened, and chafing at this disaster, angry with the causes (of it), not having suffered misfortune (personally), and ignorant of brave men, in the tenth year, having made preparations, came with twelve hundred ships, and led so immense a number of foot-soldiers, that it would be (too) great a work to enumerate even the nations following with him. (38.) And the best proof of their great numbers is this: while it was possible for him to transport his land army from Asia to Europe across the narrowest part of the Hellespont in a thousand ships, he refused to do this, thinking

that his loss of time would be great; (39.) but disregarding the natural conditions and the affairs of Heaven and the minds of men he made a path through the sea, and forced a sailing to be made through the land, by bridging over the Hellespont and digging (a canal) through Athos. And no one offering any resistance, but some submitting against their will, others willingly surrendering,—for some were not able to defend themselves (successfully) and others were corrupted by bribes,—for two things were persuading them (to treachery): love of gain and fear,—(30,) while Greece, then, was in this condition, the Athenians in person going on board the ships, sailed for Artemisium to bring aid, but the Lacedaemonians and some of their allies went to meet (the enemy) at Thermopylae, thinking that they would be able to guard the pass, on account of the narrowness of that locality. (31.) And when the critical hour had come, the Athenians prevailed at the naval battle at the same time that the Lacedaemonians, although not lacking in courage, but finding themselves deceived as to the number, both of those whom they expected to guard (the pass) and of those against whom they were to risk their lives, . . . not being conquered by their opponents but dying where they had been ordered to fight, (32,) in this way these (the Spartans) being unfortunate, and those (the Persians) becoming masters of the pass, these (the Persians), then, marched against this city, but our ancestors, hearing of the disaster that had befallen the Lacedaemonians, being at a loss what to do through the circumstances (i.e. dangers) besetting them on all sides, but knowing that, if they should go forth to meet the barbarians on land, they sailing onward with (their), thousand ships would surprise the

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city, destitute (of defenders), but (knowing on the other hand) that if they embark on their triremes, they (i.e. the city itself and all remaining there) would be taken by the land-army, and that they could not do both things (at the same time) : to defend themselves (against the invading army) and leave a sufficient garrison (in the city against a prospective attack by the Persian fleet) (33,) and while two alternatives were placed before them, whether they should abandon their country, or, joining the barbarians, should enslave the Greeks, thinking that liberty with courage and poverty and exile was better than slavery of their country with disgrace and wealth,—they abandoned the city in behalf of Greece, in order that, in turn, they might brave the danger with each (force) but not with both forces at the same time, (34,) bringing their children and wives and mothers to safety in Salamis they summoned also the fleets of the others, their allies. Not many days afterward there came also the land-army and the fleet of the barbarians ; and seeing this, who would not fear, (considering) how great and terrible a dangerous contest was waged by this city in defense of the freedom of the Greeks ? (35.) And what must have been the thoughts of those who saw them in those ships, their own safety being uncertain and the approaching conflict (being of doubtful issue), or of those who were going to fight for their loved ones, for the prizes in Salamis ? (36.) whom so great a number of enemies was surrounding from all sides that the smallest part of their present evils was the prospect of their own death, but the greatest misfortune, what they thought those who had been placed (in Salamis) would suffer from the barbarians, if victorious. (37.) Indeed on account of their present

difficulties they often exchanged manifestations of mutual confidence and rightly bewailed their fate, knowing that their ships were few, and seeing those of the enemy to be many, and knowing that the city was deserted, and the country being devastated and full of barbarians, while the shrines were burning, and all terrors were near, (38,) and hearing at the same time the Greek and barbarian paean together, and the exhortations of both and the cries of the perishing and (seeing) the sea full of the dead, and many wrecks both of friend and foe coming together, and since the naval battle for a long time was undecided, thinking at one time that victory was theirs and that they were saved, and then again that they had been conquered and were lost. (39.) And, no doubt, on account of the present fear they believed they saw many things which they did not see, and that they heard many things which they did not hear. What supplications to the gods were not made, or reminders of sacrifices, compassion for children, longing for wives, wallings for fathers and mothers, and counting of the evils that would inevitably come, if they should be unfortunate ? (40.) What god would not have pitied them for the magnitude of the danger ? or what man would not have wept ? or who would not have admired them for their daring ? Indeed, those men surpassed by far all men in excellence, both in their councils and in the dangers of war, leaving their city, embarking on their ships, and drawing up their own lives, being few, against the multitude of Asia. (41.) And they showed all men, by conquering in the naval battle, that it is better to brave danger with few in behalf of freedom, than with many, ruled by a king, in behalf of their own slavery. (42.) And they contributed most and the



noblest part in behalf of the freedom of the Greeks : as strategus Themistocles, best able to speak, to discern and to act, and of ships more than the other allies, and the most experienced men. And yet who of the other Greeks could have rivalled them in power of understanding, in number and in courage ? (43.) So that justly they received the undisputed prize for valor at the naval battle from Greece, and rightly they won good fortune to compensate for the dangers, and they proved to the barbarians from Asia that their valor was genuine and native. (44.) In the naval battle, now, conducting themselves in this manner, and having by far the largest share in the dangers, they gained by their personal bravery a common freedom for the others also. Later on, when the Peloponnesians were building a wall across the Isthmus and were contented with their own safety and thought they were rid of the danger by sea and were minded to overlook the other Greeks becoming subject to the barbarians (i.e. to allow the barbarians to enslave the rest of the Greeks), (45.) the Athenians, getting angry, advised them, if they were thus minded, to build a wall around the whole of the Peloponnese, for if they themselves (i.e. the Athenians), forsaken by the Greeks, should side with the barbarians, that (in that case) there would not be wanting to those (i.e. the barbarians) a thousand ships (if necessary), nor would the Isthmian wall be of any use to them (the Peloponnesians); for that the dominion of the sea would be the king's without danger. (46.) Then (the Peloponnesians), suffering themselves to be taught, and themselves believing that they were doing wrong and were ill-advised, but that the Athenians said what was just and gave them the best advice for themselves, they went out to Plataea

to aid (the rest of the Greeks), but while most of the allies ran off, at nightfall, from the ranks on account of the large number of the enemies, the Lacedaemonians and the Tegeans routed the barbarians, and the Athenians and Plataeans fought and defeated all the Greeks who had despaired of (the cause of) liberty, and had submitted to slavery. (47.) And on that day adding a most noble close to their former trials, they secured a firmly established freedom for Europe, in all contests having given proof of their courage, both (when) alone and (when) aided by others, fighting on land and sea, both against the barbarians and the Greeks, they were judged worthy, both by those, with whom they faced danger and on whom they made war, to become leaders of Greece.

(48.) At a later time, when a Hellenic war had broken out through emulation of what had happened and envy of our achievements, all being confident of success, and each looking for a small cause of complaint, a naval battle having taken place between the Athenians and the Aeginetans and their allies, they (i.e. the Athenians) took seventy triremes of theirs. (49.) And while they were besieging Aegypt and Aegina at the same time, and while (the men of) age (for military service) were away, both on the ships and in the army, the Corinthians marching out with their whole force seized Geranea, thinking that they either would invade a deserted country or would cause our army to move from Aegina. (50.) But the Athenians, though these (i.e. the men of military age) were absent, and those (i.e. the Corinthians) were near, could not bring themselves to recall any one, but trusting in their own valor, and despising the invaders, the older men and those who were under military age thought it right to brave the danger alone,



(51.) these (i.e. the older men) having gained courage through experience, those (the younger men) possessing it by nature. And these having proven themselves brave men on many occasions, and those imitating the former, while the older men knew how to lead, and the younger men were able to do what they were ordered (to do), (52.) Myronides being strategus, they themselves went forth into the Megarian territory to meet (the Corinthians) and fought and defeated their whole force, with men who were now past service and with those who were not yet able, going forth into a foreign land to meet those who expected to invade theirs, (53.) and having set up a trophy of this achievement most glorious to them, but most disgraceful to the enemy, those being no longer strong in body, and these not yet, but in courage both showing themselves superior, returning to their country with great renown, these again went to school, and those again to their councils about the future.

(54.) It is no easy task for one man to recount, one by one, the daring deeds of many, or to set forth in a single day what was done during the whole period of time. For what speech or time or speaker would prove sufficient (i.e. able) to tell of the valor of the men lying here? (55.) For with many hardships and most brilliant contests, and most glorious dangers they made Greece free, and made their own country most powerful, ruling the sea for seventy years, rendering their allies faithful, (56.) not thinking it right that the many should be slaves to the few, but compelling all to be equal, and not making their allies weak, but making these also strong, and rendering their own power so great, that the Great King was no longer desirous (i.e.

showed any desire) of that belonging to others, but even gave of his own possessions, and feared for what he still possessed, (57.) and no triremes sailed from Asia during that period, nor was a tyrant established among the Greeks, nor was a Greek city enslaved by the barbarians. With so great a moderation and fear their valor inspired all men. For which reason they alone ought to become the champions of the Greeks, and leaders of the cities.

(58.) But they showed their valor also in misfortunes. For when the ships had been lost in the Hellespont, either through treason of their leader or the design of the gods, and when that misfortune proved the greatest blow both for us, who had been unfortunate and for the rest of the Greeks, they proved not long afterwards that the power of this city was the saving of Greece. (59.) For when others had become the leaders (of Greece), men who in former times did not embark upon the sea, (now) conquered the Greeks in naval battles, and they sailed to Europe and enslave cities of the Greeks, and establish tyrants in (these Greek cities), some after our disaster, some after the victory of the barbarians. (60.) So that it would be right for Greece to mourn at this burial and to bewail those lying here, as, with their valor, also their own freedom is being buried, and as Greece is unfortunate, being bereft of such men, but the king of Asia fortunate, in meeting other leaders (of the Greeks, than the Athenians). For (the danger of) slavery is encompassing her (Greece), bereft of these, but in him (the king of Persia) a desire is springing up to emulate the spirit of his ancestors, now that others are leading (the Greeks).

(61.) But I have been led off to give utterance to



these lamentations in behalf of the whole of Greece. Of those men, however, it is right to make mention privately and in the name of the state, who fleeing from slavery and fighting for the just cause and revolting in behalf of our democracy, incurring the enmity of all, came back from exile to the Piræus, not compelled by law, but obeying the promptings of their nature, imitating in fresh perils the valor of their ancestors of old, (62,) by their bravery making the city a common possession also for the others, preferring death with freedom to life with slavery, not less feeling disgraced by their misfortunes, than angry at their enemies, wishing rather to be slain in their own land than to live, inhabiting a foreign land, having as their allies oaths and agreements, and as their enemies both those whom they had before and their own fellow-citizens. (63.) Nevertheless, fearing not the multitude of their adversaries but facing the danger in person, they erected a trophy over their enemies and furnish as witnesses to their valor the graves of the Lacedæmonians, near this monument. For they made the city great out of small, and showed it to be of one mind instead of turbulent and seditious, and they erected walls to take the place of those that had been pulled down. (64.) And those of them, who had come back from exile showing their counsils to be kindred to the deeds of those lying here, did not turn to (taking) vengeance on their enemies but to the saving of the city, and not being able (to endure) to be diminished (in their rights as citizens) nor themselves wanting to have the upper hand, they made even those (who had been) willing to be slaves share in their own liberty, but did not desire themselves to share in their slavery. (65.)

And by noble and glorious deeds they silenced all accusations against themselves, (showing) that not through their own cowardice or the valor of the enemy disaster had overtaken the city; for if, while they were in a state of violent discord they proved themselves able to return from exile, in spite of the presence of the Peloponnesians and their other enemies, it was evident that they easily would have been able to make war on them (successfully), if they had been agreed.

(66.) Those men, now, are being praised by all on account of (their courage in facing) the dangers in Piræus. But it is right to praise also the strangers who are lying here, who coming to aid our people and fighting for our safety, holding their valor to be their country, ended their life in this way; in return for which the city mourned and buried them at the expense of the state, and granted them for all time to receive the same honors as the citizens.

(67.) And those, who are now being buried, coming to the rescue of the Corinthians, who were being wronged by their one-time friends,—becoming new allies, and having not the same opinion as the Lacedæmonians,—for the latter (i. e. the Lacedæmonians) envied them their success, but the former (i. e. the Athenians) took pity on them, while they were being wronged, not remembering the former enmity, but considering their friendship of great importance,—made their own valor evident to all.

(68.) For they dared, making Greece great, not only to brave dangers in behalf of their own safety, but (they dared, i. e. were ready) to die in behalf of the liberty of their enemies; for they fought with the allies of the Lacedæmonians for their freedom. For, when victori-

ous, they thought them worthy of the same (privileges they themselves enjoyed), but if they had failed, they would have left slavery (more) firmly established for those in the Peloponnese.

(69.) To those now, who are in such circumstances, life is piteous and death to be desired; but these are an object of praise, both living and dead, (because) having been brought up enjoying the advantages which their ancestors had gained for them, and because, when they had become men they kept their (*i. e.* their ancestors') reputation untarnished and gave proofs of their own worth. (70.) For they have become the causes of many benefits to their own country, and they restored what had been lost through the misfortunes of others and they removed the war far from their own country. And they ended their life, as it behooves brave men to die; for they discharged their filial debt to their country and left behind sorrow to those who reared them. (71.) So that it is right for the living to bewail these men, to lament for themselves and to pity their relatives for their remaining life. For what pleasure is left to them, such men being buried, who, because considering everything of less account than their valor, deprived themselves of life, made their wives widows, left their own children orphans and rendered their brothers, fathers and mothers desolate? (72.) I envy their children even in their terrible bereavement, because they are too young to realize of what fathers they have been bereft, and I pity those from whom they sprang because they are too old to forget their misfortune. (73.) For what could happen more grievous than this, to beget and bring up one's own and then to bury them, and in old age to be weak in body and then to become friendless and helpless,

bereft of all hope, and to be envied at one time by the same people who now pity, and that death is more desired by them than life? The worthier men they were, the greater is the grief of those left behind. (74.) And how are they to cease from grief? When adversity has come upon our city? But at that time it is natural even for the others (*i. e.* outsiders) to remember them. But in common prosperity? But it would be sufficient (cause) for them to grieve, since their children have died, but the living are enjoying the benefits of their valor. But, then, in their private dangers, when they see their former friends fleeing from their helpless condition, and their enemies full of confidence on account of their misfortunes? (75.) It seems to me that we are discharging our debt of gratitude towards those lying here only in this way, if we honor their parents as much as those, and treat their children with such kindness, as if we ourselves were their fathers, and if we show ourselves such a help to their wives, as they were, when still living. (76.) For whom should we honor on better grounds than these, lying here? And whom of the living should we honor with more justice than their relatives who enjoy the benefits of their valor equally with (*i. e.* not more than), the others, but who, now that they died, alone in truth bear this misfortune. (77.) But I do not know why I should utter such lamentations; for we were not unaware of our being mortal. So that why should we be grieved at that which we long ago expected to suffer, or why should we be so exceedingly sad at misfortunes inherent in our nature, knowing that death is the common (lot) both for the worst and the best? For (death) does not overlook the wicked nor does it admire the good, but behaves equally

to all. (78.) For if it were possible for those who escaped the dangers of warfare to be immortal for ever, it would be right for the living to mourn for the dead for all time, but as it is, our nature is subject to both diseases and old age, and the deity who presides over our lot in life is inexorable. (79.) So that it behooves us to hold these to be the most fortunate, who, facing dangers for the greatest and the noblest cause, thus ended their lives not entrusting themselves to chance, nor awaiting a natural death, but choosing the most glorious. And, indeed, their memory does not grow old, and the honors they receive are envied by all, (80.) men, who are mourned on account of their nature, as mortals, but are praised in song as immortals, on account of their valor. And, indeed, they are buried by the state, and contests in strength, wisdom and wealth are being held at their graves, (expressing our views) that those who have fallen in war deserve to be honored with the same honors as the immortals. (81.) And therefore I praise them happy for this death, and envy them, and I believe that to these alone of men it was a privilege to have been born, who, after they received mortal bodies, yet left behind them undying remembrance through their valor. Still, it is necessary to follow the old customs, and, observing the law of our fathers, to bewail those who are being buried.

CALLIAS

(1.) If Callias were contending about anything else but his freedom, gentlemen of the jury, even the speeches already delivered by the others would be sufficient for me; but under the circumstances it seems to me to be shameful not to help Callias in what is just, as well as I am able, since he is demanding and asking, and since he is both my friend and my father's during his lifetime, many business transactions having taken place between us. (2.) I thought that Callias was living as a metic in this city in such a manner as to much rather deserve to receive some benefit from you than to be placed in (a position of) so great danger on such charges, but, as it is, those scheming against him make life not less uncertain to innocent people than to those guilty of many crimes. (3.) But it is right that you should not think the words of his servant to be trustworthy and the words of these men (i. e. the witnesses for Callias) to be untrustworthy, keeping in mind that no one, either a private person or an official has ever made any complaint against Callias, but that, living in this city, he has rendered you many services, and, receiving no blame at all, he has reached this age, while they during all their life having committed grave offences, and having experienced many miseries (or: having attempted to do many wrongs), now make their speeches about liberty as if being the authors of some



good. (4.) And I am not surprised, for they know that if they are convicted of lying they will suffer nothing more (*i. e.* worse) than their present condition, but if they succeed in deceiving you, they will have rid themselves of their present evils. And yet such people should be considered to be trustworthy, neither as accusers nor as witnesses,—men, who make their allegations to great advantage to themselves, but much rather (should we consider to be trustworthy those) who assisting the public treasury place themselves in (a position of) danger. (5.) It seems to me to be right, to consider the contest not a private affair, pertaining to these men (*i. e.* Callias and his friends) but a common affair of all in the city; for not only these keep slaves but all the others, and they (*i. e.* the slaves) looking at their (*i. e.* of Callias' slaves) lot will no longer look about, what good having done to their masters, they may become free, but, what falsehood having told against them (they may become free).

POLYAENUS

(1.) With what intentions have the prosecutors neglected the point in dispute, and tried to attack my character? (Because) not knowing, that they should speak concerning the point in dispute? or do they, indeed, know this, but, (because) expecting to escape notice, do they speak more concerning everything (else) but what they ought (to have spoken of)? (2.) That now, not (because) despising me, but (because thinking little) of their case they speak (thus), I know well. If, however, they think that you will condemn me, through your ignorance of the ways of the world being persuaded by their slanders.—I would not be surprised (if they should think this). (3.) I thought, indeed, gentlemen of the jury, that this contention, in which I am now involved, would be concerning the specific charge laid against me, (but) not concerning my character; but, now that the prosecutors are calumniating me, it is necessary to make my defence on (*i. e.* so as to include) everything. And now, I shall first enlighten you about the writ.

(4.) Having come (*i. e.* returned) to the city two years ago, not yet having been at home two months, I was enrolled (as) a soldier. Having learned what had happened, I at once began to suspect that I had been enrolled from some corrupt motive. Approaching, therefore, the general, I told (him) that I had (already) served, but met with no fair (treatment). Being (thus) insulted,



I was angry indeed, but held my peace. (5.) Being at a loss and taking council with some one of the citizens what I should do in the matter, I learned that they threatened even to bind me, saying that Polyænus had been at home not less time than Calliorates. The aforesaid conversation had been held by me at the bank of Philias. (6.) But the partisans of Ctesicles, the archon, some one reporting that I had used abusive language, thought it right to impose a fine on me, contrary to the law, the law explicitly saying: "if any one abuse an official at his court." After inflicting the fine on me, they did not attempt to exact it, but, when their (term of) office came to an end, having entered it on the register, they handed it over to the treasurers. (7.) These, then, did this; but the treasurers, not agreeing with them, summoning those who had handed over the register, inquired into the alleged reason of the charge. Having heard what had happened, considering to what treatment I had been subjected, at first they (tried to) persuade them to abandon (their case against me), reminding them (of the fact) that it was not seemly, to have (the names of) any of their fellow citizens entered (as owing a fine) from some private enmity, but finding it impossible to persuade them, they pronounced the fine of no validity, taking the risk from your part on themselves (i. e. they canceled the fine, and assumed the responsibility involving the danger of being called to account before a court). (8.) And now, you know, that I was released by the treasurers; and although I think it to be right that I should be cleared from the charge even through this exposition (of my case), I yet shall furnish more, both laws and other pleas. Please, take the law.

LAW.

(9.) You have heard that the law explicitly says to fine those using abusive language in the court. But I produced witnesses that I had not entered the court, and (therefore), unjustly having been fined, I do not owe (any fine) nor is it right that I should pay it. For if it is evident that I did not enter the court (10.) and if the law says that those misbehaving in the court room owe a fine, I am shown, on the one hand, to have done no wrong, and, on the other hand, to have been fined unreasonably, from private enmity, without (the sanction of) the law. (11.) And they themselves are well aware of their guilt, for they neither stood an audit, nor going to a court of justice, did they have their proceedings (against me) confirmed by a (judicial) vote. And, therefore, even if they had fined me justly, and had the infliction (of the fine) confirmed by you, I should have been freed from the charge, since the treasurers released me. (12.) For if they were competent either to exact or to cancel (the fine), I would in justice not be liable, not even when being fined according to the laws; and if it is possible for them (the treasurers) to cancel, but if (nevertheless) they (must) stand an audit of their administration, they will easily obtain just punishment, if guilty of some offence. (13.) In what manner, now, I was delivered up and fined, you know, but you should know not only the reason of the charge, but also the reason of their enmity. For I became Sostratus' friend before (I incurred) their enmity, knowing that he had become an important man in the state's affairs. (14.) Having become a man of note through his influence, I neither avenged myself on an

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enemy, nor did I help a friend; for, while he lived, I led a life of leisure both on account of circumstances, and on account of my age, and when he had departed from life, I neither in word nor deed harmed any of those (now) accusing (me); nay, I can even recount such (deeds of mine), in consequence of which I should much more justly be benefited by my opponents in this suit, than suffer evil (at their hands). (15.) They, now, became my enemies for the aforesaid (reasons), although there being no pretext for enmity. Then, having sworn to enroll (as soldiers) those who had not served, they violated (lit.: transgressed) their oaths and caused the people to deliberate concerning my freedom (by) imposing a fine on me, as abusing a public official, and (by) disregarding justice, making every effort to damage (me) on every possible pretext. (16.) What would they have done, if seeing their way (lit.: going) to damage me greatly, and to benefit themselves considerably, since, now that there was no such opportunity, they consider nothing but the chance to give vent to their vindictive feelings (lit.: they care less for everything than for injustice). (17.) But they despised you, the people, nor did they think they ought to fear the gods, but they bore themselves so contemptuously and with so much disregard of the laws, that they did not even attempt to justify their acts, but thinking they had not taken sufficient revenge on me, they finally drove me from the city. (18.) Being disposed so lawlessly and violently, they did not care at all to hide their injustice, but bringing me into court again on the same (charges), they lay information against me, although I have committed no wrong and slander me, putting on my acts motives that do not belong to them, but (such

as are) in harmony with and suitable to their own characters.

(19.) These men, now, wish me to be convicted in every way; but, you,—do not condemn me, led on by their calumniations and do not invalidate (the decision) of those who judged better and rightly. For these (i.e. the treasurers) acted in everything according to justice and equity, and are not shown to have done anything illegal, but to have considered justice above everything else. (20.) And now, I would be but moderately angry with those (i.e. the accusers) when wronging me, thinking it to have been (universally) ordained to harm one's enemies and to benefit one's friends; but if being deprived of justice by you, I should be grieved much more. For (in that case) I shall not seem to have suffered evil through private enmity, but on account of the viciousness of the state. (21.) Nominally, I am contending about the writ, but actually about my citizenship. For, when meeting with justice (and I have faith in your judgment), I should remain in the city; but if now that I have been brought before you, I should be unjustly condemned, I should run away. For buoyed up by what hope, should I live among you, as a citizen, or with what thoughts should I (continue to dwell among you), while knowing, on the one hand, the wishes of my opponents, and while, on the other hand, being at a loss whence I should obtain anything of justice? (22.) And therefore putting justice above all other considerations, and remembering, that you grant pardon (sometimes) for manifest wrongs, do not allow people who are guilty of no wrong to fall into the greatest misfortunes unjustly, through private enmities.

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THEOMNESTUS.

I think that I shall have no lack of witnesses, gentlemen of the jury; for I see many of you now sitting on the jury who at that time were present, when Lysitheus impeached Theomnestus for speaking in the assembly, after having thrown away his shield, while it was not lawful for him (to speak in the assembly). For during that trial he said that I had killed my father. (2.) If he, now, had accused me of having killed his father, I would have granted him pardon for his words (for I would have considered him a commonplace and insignificant man); nor if he had said anything else, against me, of (the things) forbidden by law (to say), would I have prosecuted him,—for I consider it to be unworthy of a free man and too litigious to go to law with (a man) for slander; (3.) but, as it is, it seems to me to be shameful, (in a case) concerning my father, whose conduct towards you and the city had been so meritorious, not to punish him who had said that. And I wish to know from you whether he shall pay the penalty, or whether to him alone of the Athenians the special privilege is allowed both to act and to speak contrary to the laws, whatever he may wish (to do or to say).

(4.) I am now thirty-three years old, and twenty years have elapsed since you returned. I, therefore, was evidently thirteen years old, when my father was put

to death by the Thirty. At that time of life I neither understood what oligarchy is, nor was I able to help him, when being wronged. (5.) And indeed, not with good reason would I have plotted against him for money's sake; for my elder brother Pantaleon took everything and serving as our guardian, robbed us of our paternal inheritance, so that for many reasons, gentlemen of the jury, it was to my interest to wish him to live. It is, indeed, necessary for me to make mention of these things, but there is no need of many words; you all know pretty well that I speak the truth. Nevertheless I shall bring forward witnesses of these (facts).

WITNESSES.

(6.) Perhaps, therefore, gentlemen of the jury, he shall make no defense on these points, but he will say before you, what he dared to say also before the arbitrator, that it is not (one) of the forbidden words, if one says that some one has "killed" his father; for that the law does not forbid that, but that (the law) does not allow to use the word "homicide." (7.) But I think, gentlemen of the jury, that you ought not to lay stress on (the letter of) the words, but on their meaning, and that you all (ought to) know that, whoever have killed any persons, are also the homicides of the same persons, and whoever are homicides, have also killed some persons. For it would be (too) much labor for the law-giver to write all (possible) words that have the same meaning; but while using one word, he made plain (his meaning) concerning all. (8.) For, I suppose, Theomnestus, if some one should call you a "patricide" or a "matricide," you would



hold that he owed you punishment, but if some one should say that you "struck" your mother or your father, you would think that he should go scot free, as having said nothing of the forbidden things. (9.) And I should like to hear from you,—for in this respect you are an expert and you have taken great pains, both as far as the doing (of the thing) and the speaking (about it) is concerned,—if some one should say that you had "cast away" your shield, while it is said in the law that he shall be liable to punishment, if he asserts that (some one) has "thrown away" (his shield), in that case you would not go to law with him, but it would be satisfactory to you (to have it said of you) to have "cast away" your shield, saying: "it is nothing to me; for to 'cast away' and to 'throw away' is not the same thing"? (10.) Nor would you admit the charge, when having become (one) of the Eleven, if some one should arrest a man, claiming that he had stolen a cloak or stripped off a shirt, but you would release him on the same principle, because he was not called a "stripper of clothes." And if some one should be arrested because abducting a *child*, you would not consider him to be an "andrapodistes" (i.e. one who carries off a *man* into slavery), if, at least, you quibble about words, but do not pay attention to deeds, to express which all give names. (11.) Consider also this, gentlemen of the jury; he seems to me through indifference and unmanliness never to have gone up to the Areopagus; for you all know that in that place, when they are conducting a trial for murder they do not make their sworn dispositions, using this word ("murder"), but using that word, with which I have been slandered. For the prosecutor swears that "he killed," the defen-

dant that "he did not kill." (12.) And so it would be absurd to acquit the one appearing to have killed, (because) pleading to be a "murderer," whereas the prosecutor stated in his sworn disposition that the defendant had "killed." For in what respect does this differ from what he will say? And you yourself went to law with Theon who had said that you had "cast away" your shield. And yet nothing is said in the law about "casting away," but it says that if some one says that a man has "thrown away" his shield, he owes (a fine of) five hundred drachmae. (13.) And would it not be inconsistent, if, when you wish to punish your enemies, having been slandered (by them), you should interpret the laws in this way, as I (am doing now), but when you have slandered some one else contrary to the laws, you should not think it right to pay the penalty? Are you, either, so powerful that you may employ the law, in whatever sense you wish, or so influential, that you think, that those wronged by you will never obtain revenge? (14.) And then are you not ashamed to be so much wanting in sense, that you think you ought to have advantage not in consequence of (or in proportion to) your services to the state, but in consequence of the wrongs you committed without being punished? Please read the law.

LAW.

(15.) I, now, gentlemen of the jury, think that you all know, that, I am speaking rightly, but (I think) him to be such a blockhead that he cannot understand what is being said. I, therefore, wish to teach him, concerning these points also from other laws, (to see) if perhaps, even now, while on the bema, he may be in-

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structed and may not cause you any trouble in the future. Please read these laws, the old ones of Solon.

(16.) Law. *Let him be bound in the stocks by the feet, for five days if the court awarded it in addition (to a fine.)*

The "stocks," Theomnestus, is the same thing, which is now called to be bound in the "pillory." If now, he who had been bound, when released, would accuse the Eleven, when they were undergoing their audit, that he had not been bound in the "stocks" but in the "pillory," would they not think him a fool? Read another law.

(17.) Law. *Let him give security forswearing himself by Apollo. And fearing, on account of the penalty, let him attempt escape.*

This (old-fashioned) "forswearing himself" means "swearing by," and "attempt escape" means, what we now call "to run off."

Whoever bars the way by means of a door, the thief being inside.

This "bars the way" means "to shut the door," and do not make a fuss on account of this (word).

(18.) *Let money be weighable at so much as the lender wishes.*

That (word) "weighable," my good friend, does not mean that one should weigh (the money) in a balance, but that one (may) exact as much "interest," as one should wish. Read in addition the last part of that law.

(19.) *As many women as go about manifestly, and let a man be accountable for damage to an inmate of the house and a female slave.*

Now, listen. The (word) "manifestly" means "openly," "to go about" means "to walk the streets," and "inmate of the house" means "maid-servant."

And there are many other like cases, gentlemen of the jury. (20.) But if anything can penetrate to his understanding (lit: if he is not of iron), I think he has (now) understood, that the things are the same, now and before, but that in some cases we do not now use the same word as before. (Lit: of words we do not use some as the same now as before.) And he will make it plain (to you, that he has understood this); for he will leave the bema and go his way, in silence. (21.) But if not, I ask of you, gentlemen of the jury, to render a just verdict, remembering that it is far greater evil for a man, to have it said of him, that he killed his father than (to have it said of him) that he threw away his shield. I, anyway, would rather choose to have thrown away all shields than to have such a reputation concerning (my conduct towards) my father. (22.) He, when being liable to the charge (of having thrown away his shield), while the misfortune (i.e. consequences of his conviction) would be less, was not only pitied by you, but he even secured the disfranchisement of him who had given evidence against him. But I, who have seen him doing that which you too know (him to have done), who, myself have saved my shield,—I, who was charged with so lawless and dreadful a crime, while the misfortune (will) be great to me, if he shall be acquitted, and while it (i.e. the consequence of conviction) will be hardly worth while, if he shall be convicted of slander,—shall I not obtain satisfaction from him? There being what charge on your part against me (that would prevent my obtaining satisfaction)? (23.) Is it because I justly have been called (my father's murderer)? But you, yourselves would not say so. But (then), because he is a better man and of better

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ancestors than I? But not even he himself would claim this. But (then), because, having thrown away my arms, I am going to law with a man, who saved his? But not this story has been spread abroad (circulated) in the city. (24.) Remember that you have given him that great and beautiful gift. In which matter who would not pity Dionysius, who fell in with such a misfortune, having proved himself a man of valor in danger, (25.) and who said, when leaving the court-house, that we had made that expedition (as) a most unfortunate one (i.e. that that expedition which we had made had been a most unfortunate one). because in it many of us had been killed, while those who had saved their arms were convicted of giving false testimony against those who had thrown theirs away, and (that) it would have been better for him, at that time to have been killed, than after returning home to meet such a fate. (26.) And therefore, do not, on the one hand, pity Theomnestus, when he is spoken ill of according to his deserts, and (do not) on the other hand grant him pardon when he uses insulting language and says what the law forbids him to say. For what greater misfortune could there be to me (i.e. could befall me) than this, to have so infamous charges brought against me concerning (my conduct towards) my father. (27.) (My father), who many a time served as strategus, and who exposed himself to many other dangers in common with you; and his body never fell into the hands of the enemy (i.e. he never was taken prisoner), nor was he ever in a suit on his audit before his fellow-citizens, but being sixty years of age, he was put to death during the oligarchy on account of his devotion to the cause of democracy.

(28.) Am I not justified (lit: is it not right) that I should be angry with him who said this and should come to the rescue of my father, (taking it) that he also had been slandered? For what could be more vexatious to him than to have been killed by his enemies, but to have (this) slur (on his memory) that he was made away with by his children? (My father), the monuments of whose valor have been dedicated (and are) even now at your shrines, while the (monuments) of his (i.e. Theomnestus') and his father's cowardice (are) at the shrines of the enemy. So innate in them is cowardice.

(29.) And so, gentlemen of the jury, the bigger and the more gallant they are in outward appearance, the more deserving are they of your anger. For it is evident that they are strong in body, but they are not strong in spirit.

(30.) I hear, gentlemen of the jury, that he will turn to this excuse, that, getting angry he said that, because since I gave the same evidence (against him) as Dionysius. But you keep in mind, gentlemen of the jury, that the law-giver does not grant any pardon to anger but punishes the speaker, if he do not prove that what was said by him is the truth. And I, twice already, gave evidence about him; for I did not yet know that you punish those who saw (the shield thrown away), and grant pardon to those, who threw away (their shield). (31.) But on these points I don't know why it is necessary to say more. But (as to the present case) I beg of you to convict Theomnestus, considering that no trial could be of greater importance to me. For now I am the prosecutor in a case of slander, but by the same vote I am acquitted of the murder of my father,—I, who alone, as

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soon as I had passed the examination for citizenship, indicted the Thirty (for murder) at the Areopagus. Remembering this, aid me and my father, and (stand by) the established laws and the oaths which you have sworn.

ALCIBIADES.

(1.) I do not, indeed, think, gentlemen of the jury, that you would insist to hear any reason (for accusing him) from those wishing to accuse Alcibiades. For from the beginning he has shown himself (to be) such a citizen, that, even if any one does not happen to be wronged by him, none the less it behooves him to consider him an enemy in consequence of his other pursuits. (2.) For his failings are not small, nor deserving of pardon, nor holding out hope that he will be a better man in the future, but (his failings) have been committed in such a manner and have reached such a pitch of badness, that his enemies are ashamed on account of some (misdeeds of his) in which he himself glories. I however, gentlemen of the jury, since also in former times there existed a dispute between our fathers (i.e. of Alcibiades and the speaker), and now having suffered at his hands,—I shall endeavor to punish him with you (i.e. with your countenance) for all that has been done (by him). (3.) On the other points Archestratides has accused him sufficiently, for he cited the laws and produced witnesses of everything. But whatever he left out I shall inform you of, in detail.

(4.) Now, it is right, gentlemen of the jury, that men, serving as juror (in a case) concerning these points for the first time since we concluded peace, should be not only jurors but also law-givers themselves, well know-

ing that, in whatever way you will now decide concerning them, thus the city also in the future will deal with them. And it seems to me to be the duty of a good citizen and a just juror to interpret the laws in such manner, as would in all probability be of advantage to the city in the future. (5.) For some have the hardihood to say that no one is liable (to a charge) of desertion or of cowardice; for that there has been no battle, and that the law commands the soldiers to act as judges in this case: "if any one leave the ranks (and retreats) to the rear on account of cowardice, while the others are fighting." But the law does not provide for these alone, but also (for) "whoever are not present" in the infantry. Please read the law.

LAW.

(6.) You hear, gentlemen of the jury, that (the law) has been laid down about both, those who fall back to the rear while a battle is (in progress) and those who are not present among the infantry. Now, consider who they are that should be present. Not whoever have that age? (and are they) not whoever the Strategist enroll?

(7.) I think, gentlemen of the jury, that he alone of the citizens, is liable by the whole law. For (I think) that he could be rightly convicted of having shunned service, because, being enrolled as a hoplite, he did not set out, with you, while encamped, nor did he present himself to be placed (in the ranks) with the others,—and of cowardice (he would justly be convicted) because, while he ought to share the dangers of the hoplites, he preferred to serve in the cavalry. (8) And yet they say that he will make this defence, that since he served

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in the cavalry, he did no wrong to the state. But I think that for this reason you would be justly angry with him, because, although the law enjoins that a man be deprived of his civic rights, if he serve in the cavalry, without being tried (i.e. without having passed the scrutiny), he dared, untried, to serve in the cavalry. Please read the law.

LAW.

(9.) He now went to such a pitch of baseness, and so despised you, and (so) feared the enemy and was (so) anxious to serve in the cavalry, and cared (so little) for the laws, that he did not trouble himself at all about these dangers, but he (deliberately) wished to be deprived of his civic rights and that his money should be confiscated and to become liable to all penalties that have been laid down,—rather than to be with his fellow-citizens and become a hoplite. (10.) And others, never before having served as hoplites, but having served in the cavalry before this and (as horsemen) having done much harm to the enemy, (yet) did not dare mount their horses, fearing you and the law. For on this supposition they had laid their plans, not that the state would perish, but that it would be saved, and be powerful, and that it would exact punishment from the wrong doers. But Alcibiades dared to mount his horse, being neither well-disposed to the democracy, nor having served in the cavalry before nor understanding (the service), nor having been tried and approved by you, (acting) on the supposition, that it would not be possible to the state to exact punishment from the wrong doers.

(11.) You should keep in mind that if it shall be pos-

sible for any one to do whatever he wishes (to do), it is not of any use that laws should have been laid down, or that you should meet in assembly, or to choose strategi. And I wonder, gentlemen of the jury, if some one should think fit to condemn that man for cowardice, if, having been stationed in the front rank, he should be found in (lit. should become of) the second rank, when the enemy was approaching, but (should think fit) to grant that man pardon, if, having been stationed among the hoplites, he should appear among the horsemen. (12.) And gentlemen of the jury, I think that you are acting as jurors not only for the sake of the offenders, but in order that you may make also the others who are undisciplined more observing of right. And if now you punish the unknown, no one of the others shall be better; for no one shall know the one condemned by you; but if you punish the most conspicuous of the offenders, all will hear of it, so that the citizens will be better with this example before their eyes (lit. using this example). (13.) And now if you condemn him, not only those in the city will know of it, but also the allies will perceive it and the enemy will hear of it and they will hold the city in much greater esteem (lit. and they will think the city to be worthy of much more), if they see that you are especially angry on account of this kind of offences and (if they see) that those guilty of disorderly conduct in (times of) war meet with no pardon.

(14.) And consider, gentlemen of the jury, that of the soldiers some happened to be ill, others (happened) to be destitute of the necessities of life, and the former would have gladly nursed themselves, remaining in town, and the latter (would) have (gladly) attended to their private affairs, going home,—(and, again con-

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sider that) some (would gladly) have served as light-armed troops, and others in the cavalry; (15.) but still you did not dare leave the ranks nor choose that which was pleasing to yourselves, but you feared the laws of the city much more than the danger threatening you from the enemy. Remembering these things, you should cast your vote, and make it clear to all that those of the Athenians who are unwilling to fight the enemy will suffer at your hands.

(16.) I think, gentlemen of the jury, that they will not know what to say concerning the law and the act itself. But, rising to speak, they will (beg him off) and beseech (you), saying they do not think it right that you should condemn the son of Alcibiades for so great cowardice, as if he (Alcibiades) had been the cause of many good things and not of many evils,—a man, whom if you had killed being at that age (i.e. the age of the defendant), when you for the first time found him out offending against you, so many misfortunes would not have been to (i. e. befallen) the state. (17.) It seems to me, gentlemen of the jury, to be a dreadful thing, if you condemned that one, himself (Alcibiades) to death but will, for his (Alcibiades) sake acquit the son, when doing wrong,—(the son), who himself did not dare to fight on your side, while his father thought it right to serve in the army of the enemy. And when, being a child, it was not yet clear, what kind of a man he would be, he was almost delivered to the Eleven on account of the crimes of his father. But now that you know in addition to what was done by that one (i. e. Alcibiades) also his (i. e. the defendant's) baseness, will you think fit to show mercy on him for the sake of the father? (18.) Is it not terrible, gentlemen of the jury, that these

people are so fortunate that, after they have been found out (as) offenders, they should be saved for the sake of their noble birth, while we, if we suffered through their being guilty of disorderly conduct, should not be able to recover (anything) from the enemy, for the sake of the valiant deeds of our ancestors? (19.) And yet (these noble deeds) were many and important and in behalf of the Greeks, and in no way like the deeds, committed by those concerning the city, gentlemen of the jury. And if those (our ancestors) enjoy greater fame, because seeing their friend, it is evident that you also will be thought better (if) punishing your enemies. (20.) I think it right, gentlemen of the jury, to be angry, if some of his relatives try to beg him off, because they did not attempt to ask him,—or asking it, they were unable to gain their end,—to do what (he) had been ordered (to do) by the city, but they try to persuade you that you should not exact punishment from the wrong-doers. (21.) But if any of the archons come to his assistance, making a display of their power, pluming themselves that they are able to save even those plainly guilty of illegal conduct, then you should reply, that, if all became like Alcibiades there would be no need of the office of strategus, for (the strategus) would have none to lead,—and next that it would be much more fitting for them to accuse those who leave the ranks than to speak in their behalf. For what hope is there that the others will be willing to obey the command of the generals, when they themselves try to shield those offending against discipline? (22.) I, indeed, think it right to acquit him, if those, speaking and begging in behalf of Alcibiades will show that he served among the hoplites or that he served in the cavalry, after having passed his scrutiny. But if without offer-

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ing a just plea, they tell you to show them (this favor) you should remember that they are telling you to break your oaths, and to disobey the laws, and that, too eagerly coming to the rescue of wrong-doers, they will cause many to be desirous of the same deeds.

(23.) And I especially wonder, gentlemen of the jury, if any one of you shall think it right that Alcibiades should be saved on account of those, coming to his assistance, but should not perish, on account of his own baseness. Which (baseness) it is right that you should bear of, in order that you may know, that you would not rightly acquit him, (when acting on the supposition) as if he, indeed, were guilty in this, but had been a useful citizen in other respects. For you would justly condemn him to death in consequence of his other acts.

(24.) It is fitting that you should know of them (*i. e.* his other acts): for since you allow of defendants quoting their noble deeds, and the public services of (*i. e.* rendered by) their ancestors, it is right that you should listen also to the accusers, if they (wish to) show that the defendants have wronged you in many things, and that their ancestors have been the cause of many evils.

(25.) For he, being a boy, used to drink at the house of Archidemus, the bleary-eyed,—who has embezzled not a little money of yours,—while many were looking on, lying at full length under the same rug, and used to go about carousing at midday, and had a mistress, when a minor, imitating his ancestors, and thinking that he could not become famous when older, if, as a young man, he was not reputed to be most wicked. (26.) He was summoned by Alcibiades after his misconduct became notorious (*lit.*: after he misconducted himself manifestly). And yet, what kind of a man should he be

considered to be by you, who, conducting himself in such manner, became obnoxious to that man, who taught others these things? And plotting with Theotimus against his father, he betrayed Oreus. And he, taking the fortified place, first did him personal outrage, although he was (already) a young man, and finally, binding him exacted a ransom for him. (27.) But his father hated him so that he used to say that he would not even take care of his body, if he died. And when he (his father) had died, Archibiades becoming enamored of him, ransomed him. Not long hereafter, having gambled away his fortune setting out from Leuce Acte (as a pirate) he tried to drown his friends. (28.) And what crimes he has committed, gentlemen of the jury, either toward the citizens, or to his relatives, or to his own friends, or toward the others,—it would be too long (a story) to tell. Hipponicus, calling many as witnesses, divorced his wife, saying that the defendant, not as her brother, but as if (he were) her husband, used to come into his house. (29.) And having committed such crimes, and having done so dreadful and many and terrible (deeds), he does not repent of what he has done, nor (cares) of what will happen in the future, but he, who ought to be most well-behaved of all the citizens, making his life a defence for his father's misdemeanors,—he tries to insult others, as if he would be able to transfer to others even the smallest part of the (numerous) disgraces, which belong to himself, (30.) and that being the son of Alcibiades, who persuaded the Lacedaemonians to fortify Decelleia and who sailed to the islands, to incite them to revolt, and who became the teacher of the evils of the city (*i. e.* he told the enemies of Athens what to do in order to inflict the greatest



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damage on Athens) and who oftener fought in the ranks of the enemy against his country than in the ranks of his fellow-citizens against those. In return of which it behooves you and future generations to punish whoever of these you seize. (81.) And yet he has been much accustomed to say that it is not fair that his father, having returned from exile, should receive presents from the people, while his character should be attacked on account of the exile of that one (*i. e.* his father's). But to me it appears to be absurd, if you should have taken away from him (the father) the presents, on the plea that you had given (those presents) not justly, while you should acquit him (the defendant), when guilty of wrongdoing, on the plea that his father had been a useful citizen towards the state.

(82.) And, indeed, gentlemen of the jury, for many other reasons it is just to condemn him, and also because he uses your noble achievements as a precedent in support of his own baseness. For he has the hardihood to say, that Alcibiades did nothing terrible (in) making war on his country; (83,) for (he says) that you, being in exile, seized Phyle, and cut down trees, and made assaults on the city walls, and that, (by) doing this, you did not leave to your children evil report, but that you gained glory with all men, as if those were deserving of the same (praise) who, being in exile, in company with the enemy made war on the country, as (those) who returned (*i. e.* tried to effect their restoration) while the Lacedaemonians were in possession of the city. (84.) And I think it is plain to all that these men (*i. e.* Alcibiades and his friends) sought to return from exile, intending (and promising their allies, the Lacedaemonians) to surrender the dominion over the sea to the

Lacedaemonians, and intending to rule you themselves but you, the democrats, having returned from ex drove the enemy off, and freed of the citizens even th who were willing to be slaves; so that he uses (the sa language, (although) the deeds of the two parties being the same. (85.) And yet, while so many and great misfortunes are falling to him, he prides him on his father's baseness, and says that he (his fathe was so powerful, that he became the cause of all ev to the state. And yet who is so ignorant of his ow country, who, (if he be) willing to be base, could n point out to the enemy what of the fortified places the should seize, and could not show them which one of th watch-posts is poorly guarded, and could reveal wha affairs are in wretched condition, and could disclos those of the allies, willing to revolt? (86.) Indeed, whe he was in exile he was not able to harm the city becaus of his power; and when, having deceived you, he ha returned from exile and obtained the command o many triremes, he neither could dislodge the enemy ou of the country, nor could he make the Chians friendly again, whom he had caused to revolt, nor do any other good to you at all. (87.) So that it is not difficult to understand that Alcibiades did not excel the others in power, but that in baseness he was the first of the citi zens. For whatever of your affairs he knew to be in bad condition, he betrayed this to the Lacedaemonians; but when it was necessary for him to act as general, he was unable to inflict any damage on them, but promising that the king should furnish money at his instance, he embezzled more than two hundred talents belonging to the state. (88.) And he knew himself guilty of so many crimes against you, that, (although) an able speaker,

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and having friends, and possessing money, he never dared, returning, stand an audit, but condemning himself to exile, he was willing to become a citizen of Thrace and any city whatever rather than be a citizen of his own country. And finally, gentlemen of the jury, exceeding his former baseness, he had the hardihood to betray, with Adelmantus, the ships to Lysander. (39.) So that, if any one of you pities those killed in the naval battle, or is ashamed on account of those who were enslaved by the enemy, or is indignant on account of the walls having been torn down, or hates the Lacedaemonians, or is angry with the Thirty,—he should consider his father the cause of all these (evils), and keep in mind that your ancestors ostracized Alcibiades, his great-grandfather and Megacles, the grandfather of his father on his mother's side, and that the older men of you condemned his father to death, (40.) so that now it behooves us, considering him a hereditary enemy to the state, to condemn him and not to think more of pity, or pardon, or favor, than of the established laws and the oaths you have sworn.

(41) And you ought to consider, gentlemen of the jury, why one should spare such men. Perhaps on the supposition that they have been unfortunate towards the state, but in other respects are orderly and have lived chastely and soberly? Have not the majority of them been licentious, have they not lived with their sisters, were not children born to some of them from their daughters, (42,) have they not performed the mysteries, and mutilated the Hermæ, and guilty of sacrilegious conduct toward all the gods, and have they not misconducted themselves towards the whole state, being unjustly and lawlessly disposed towards the others,

and in their political conduct towards themselves (i.e. men of their own party), refraining from no deed of daring, nor having become (i.e. been) without experience of any dreadful act? Nay, but they have lent themselves (to everything) and have done everything. For thus they are disposed (mentally), that they are ashamed of good deeds, but plume themselves on their evil acts. (43.) And now, gentlemen of the jury, you have, indeed, acquitted before now some people,—thinking them to be wrong-doers, but believing that in the future they would be useful to you. But what hope is there that the city will (ever) be benefited by this man, of whom you will know that he is utterly worthless, the moment he begins his pleading, and (of whom) you have perceived that he is a villain from his other pursuits? (44.) Nay, even if he should leave the city, he would not be able to do you any harm, being a coward and destitute of means, and unable to accomplish (anything) and in a state of quarrel with his relatives and hated by the others (i.e. by the rest of the world). (45.) So that, not even for this reason, is it worth while to be on our guard against him, but much rather (is it right) to make an example of him both for the others and for his friends, who are unwilling to do the things ordered, and are desirous of such works (i.e. they wish to emulate Alcibiades), and who, (although) being so poor counsellors as to their own affairs, (yet) speak in public (and give advice) concerning your interests.

(46) I, now, have made my accusation, as best as I could, but I know that the others, those now present, are wondering, how in the world I was able to find out their misdeeds so accurately, but he is laughing at me because I have not mentioned even the smallest part of

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the evil deeds to their credit. (47.) You, however, enumerating by yourselves both that which has been said, and which has been omitted (through my ignorance), all the more condemn him, considering that he is liable to punishment (for the charge contained) in the writ, and that it is a great piece of good-luck for the state to get rid of such citizens. Read to them the laws and the oaths and the writ, and keeping these in mind they will render a just verdict.

PROPERTY OF ERATON

(1) Perhaps some of you, gentlemen of the jury, because of my wishing to be a man of some account, think that I also would be a better speaker than other men. But I am so far from being able to speak on things not immediately concerning myself, that I fear lest I be unable to speak properly about these things, of which it is absolutely necessary for me to speak. I think, however, if I set forth all that was transacted between us and Eraton and his sons, that you will easily find out from what I shall say, what you should think concerning this trial for rival claims. Listen then to (my exposition of the whole affair) from the beginning.

(2) Eraton, the father of Erasiphon, borrowed two talents from my grandfather. That he received the money, and that he asked (my grandfather) to lend him so much, I shall bring forward witnesses to you, and how he used it and how much he made by it those who know more of it than I, and who were closer to him and his dealings, will tell you and give evidence. Please call the witnesses.

WITNESSES.

(3.) Now, as long as Eraton lived, I received the interest and the other things that had been agreed upon; but when he had died, leaving three sons, Erasiphon, Eraton and Erasistratus, these no longer did anything

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of what was just towards us. And now during the war, because private suits were not heard, we were not able to exact from them what they owed; but when peace had been concluded, as soon as home suits were being heard, my father, having obtained leave (to bring a suit) against Erasistratus, who alone of the brothers lived in the city, for the whole debt, had a verdict returned against him in the archonship of Xenaenetus. Of this too I shall bring forward witnesses to you. Please call the witnesses.

WITNESSES.

(4.) It is easy to be seen from this that the property of Eraton would rightfully be ours, but that all has been confiscated, (you may learn) from the official lists. For three or four persons have entered the items. And yet this is easily perceived by any one, that they would not have passed by anything, if it had been possible to confiscate anything else of the property of Eraton, making, as they did, a list of all his property, and even of that which I have had in my possession for considerable time. That, therefore, it is not possible for us to exact the money from another source, it seems to me to be easy to discern. (5.) Now also hear (from me) how (differently) I make my claim against you from the manner in which (I made my claim) against private persons. For as long as the relatives of Erasiphon were making claims for this money against us, I demanded every thing as being due to me, because Erasistratus pleading as a defendant in a suit against my father concerning the whole debt, had been defeated. And the property at Sphettus I have let already for three years, and I was

PROPERTY OF ERATON.

engaged in a lawsuit with those holding it, about the property at Cicyna, and the house there. Last year however, they had the suit quashed, claiming they were merchants; but now, having obtained leave to bring suit in the month Gamelion, the marine court did not render decision. (6.) But now that you resolved to confiscate the property of Eraton, allowing to the state two-thirds, I think it right that the property of Erasistratus should be voted to me, because on a former occasion you decided that this belonged to us. I, therefore, set apart for myself the third part of their fortune, not defining with exactness, but leaving to the treasury much more than two-thirds. (7.) And this is easy to find out from the valuation that has been put on the property. For the whole property has been valued at more than a talent, and the parts which I am claiming I valued one at five minae, the other at a thousand drachmae. And if it is worth more than this, the state shall receive the surplus when it is sold by auction. (8.) That you, now, may know that is the truth, I shall bring forward to you as witnesses, first those who hired the place at Sphettus from me, and the neighbors of the place at Cicyna who know that we have been claiming this for three years and the archons of last year, before whom leave was obtained to bring the suits, and the nautodicae now serving. (9.) And there will be read to you the official lists themselves; for from these especially you will learn that we are claiming that property to be ours not only recently, and that we are neither claiming now more against the treasury, than formerly against private persons. Please call the witnesses.

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WITNESSES.

(10.) That, now, gentlemen of the jury, I do not ask contrary to what is just that the property claimed be voted to me, but that of my own accord relinquishing much of what belongs to me to the state, I claim that this be given to me,—has been shown. And now it seems to me to be just to ask (this) of you and of the syndics who are present.

PROPERTY OF ARISTOPHANES.

(1.) The present suit causes me much embarrassment gentlemen of the jury, when I reflect that, if I do not speak well now, not only I myself but also my father will be thought to be unrighteous (men), and I shall be deprived of all my property. Therefore it is necessary, even if by nature I am not clever at these things, to succor my father and myself as well as I can. (2.) You see the preparation and the eagerness of my enemies, and I need not say anything about them; but my own lack of experience all know, that are acquainted with me. I shall therefore ask you to grant me a just and easily bestowed favor: to hear me too without prejudice, as (you listened to) the accusers. (3.) For it is necessary that the defending (party) is at a disadvantage (i.e. the defendant is necessarily at a disadvantage), even if you listen (to him) impartially. For they made their accusation, plotting since a long time, being personally out of danger, but we contend amid fear and popular prejudice and the greatest danger. Therefore it is fair that you should have more good-will towards the defendants. (4.) For I think that you all are well aware that in the past many, having brought many and terrible accusations, were on the spot detected to be lying, so plainly, that, being hated on account of the whole affair, they left this place; but others again, were convicted of having given false evidence and of having

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ruined people unjustly, at a time (i.e., they were convicted at a time), when it made no difference to those who had suffered (i.e., the discovery was made too late to be of any avail to the victims). (5.) Since now such things have happened frequently, it is right that you, gentlemen of the jury, shall not consider the words of the accusers to be trustworthy, until we too shall have spoken. For I hear (it said),—and I think that the majority of you know this,—that popular prejudice is hardest to overcome (lit.: is of all (things) the most dreadful). (6.) One could see this best, when many come to trial on the same charge. For, as a rule, the last tried are acquitted; for you listen to them dispassionately, and willingly you admit the arguments (in refutation).

(7.) Consider now that Nicophemus and Aristophanes were put to death untried, before any one (could) be present at their being convicted that they did wrong. For no one even saw them after the arrest; for they did not surrender their bodies even to bury (them), but so dreadful a calamity has come upon them, that in addition to the other things they have been deprived also of this.

(8.) But I will pass this by; for I could accomplish nothing (by recounting all they suffered); but much more wretched appear to me (to be) the children of Aristophanes. For (although) not having wronged either private persons or the state, they have not only lost their paternal inheritance contrary to your laws but also the (only) hope, which was left to them,—to be brought by their grandfather, has now vanished so miserably (lit.: has come in such a dreadful state). (9.) And then, we, having been deprived of our relatives, and of the dowry, and having been compelled to bring up three

young children, we are, in addition, being accused falsely, and are in danger about (i.e. of losing) that which our fathers left to us, having gained it by just means. And yet, gentlemen of the jury, my father has spent during his life, more for the city than for himself and his relatives, and four times as much as we possess now, as I often found him calculating (i.e. as he often calculated in my presence). (10.) Do not, therefore, condemn in advance for wrong-doing a man, who spent little for himself, but much for you year after year, but (condemn) those who are accustomed to spend their inheritance and whatever they get from any (other) source, for the basest pleasures. (11.) It is hard, gentlemen of the jury, to defend myself in view of the opinion which some entertain about the property of Nicophemus and (in view of) the scarcity of money, which exists at present in the city, and since the suit concerns the treasury. Nevertheless, even while these (disadvantages) are in existence, you will easily find that the accusations are not true. But I ask of you, by every art and device (at my disposition), after having listened to us with goodwill until the end, to render this verdict, whatever you may hold to be best for you and most consistent with your oaths.

(12.) In the first place, now, I shall tell you, in what manner they (i.e. Nicophemus and Aristophanes) became our relatives. For Conon, serving as strategus around (the coasts of) the Peloponnese, having become a friend of my father, who commanded a trireme, asked (my father) to give my sister to the son of Nicophemus, who asked her hand. (13.) And he (my father), seeing that they were trusted by him (Conon), and that they were honorable men, and pleasing to the state, at that

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time, at least,—was persuaded to give (his daughter to Aristophanes), not knowing (i.e. foreseeing) the slander that was to be (i.e. that at one time popular prejudice would be aroused against them), (but at a time) when any of you would have consented to become related to them,—for that (my father did not do this) for the sake of money, it is easy to perceive from his whole life and from his acts. (14.) For he, when he was of age (for marriage), while it was possible for him to marry another woman with much money, took my mother who brought no dowry, because she was the daughter of Xenophon, the son of Euripides, who was reported to be respectable not only in private life, but you thought fit that he should serve as strategus, as I hear. (15.) And while some rich men wished to marry my sisters without dowry, he did not give them, because they seemed to be of rather inferior character, but one he gave to Philomelus of Paeania, whom many consider to be better in character than in wealth, and another to his nephew Phaedrus of Myrrhinous, who had become poor through no fault of his own, giving forty minae as a dowry, and to Aristophanes an equal sum (as a dowry). (16.) And besides, although it was possible for me to get (a wife with) a large dowry, he advised me to accept a smaller one, provided I knew well that I would have decent and respectable relatives. And now I am married to the daughter of Critodemus, of Alopeke, who was killed by the Lacedaemonians, when the naval battle took place in the Hellespont. (17.) And yet, gentlemen of the jury, a man who himself married (a woman) without means, and gave his daughters much money as a dowry, and accept for his son a small dowry, how can it not be right to believe about him that he did not become their

relative (i.e. of Aristophanes and Nicophemus) for the sake of money?

(18.) But that Aristophanes, when he had married, with many men was on a footing of greater intimacy than with my father it is easy to see. For their age was greatly different, and their character still more; for to my father it was (natural) to attend to his own affairs, but Aristophanes wished to take care not only of his private affairs but also of the public affairs, and if he had any money, he spent it, desiring to be honored. (19.) You will see that I speak the truth, out of what he did. For in the first place, when Conon wished to send some one to Sicily, he went, undertaking it with Eunomus who was a friend of Dionysius and used to entertain him at his house, a man who benefited our people very greatly, as I have heard from eye-witnesses in the Piraeus. (20.) The hopes of the expedition were (i.e. Aristophanes and Eunomus were sent for this purpose): to persuade Dionysius to become a relative (by marriage) of Euagoras, and an enemy to the Lacedaemonians, and a friend and ally to your city. And they did this, although dangers were (threatening them) on the part of the sea and on the part of the enemy, and they did persuade Dionysius not to send the triremes, which at that time he had prepared for the Lacedaemonians. (21.) And after this when ambassadors had come from Cyprus to seek aid, he (Aristophanes) exerting himself, in no way fell short of eagerness. You gave them triremes and voted the other (relief), but they lacked money for the expedition. For they had come with little money, and they needed much in addition, for (they needed money) not only for the ships but they had hired peltasts and bought arms. (22.) Aristopha-

ness, now, furnished the greater part of the money himself; but since it was not sufficient, he persuaded his friends, asking them and giving securities, and having forty minae of his half-brother, deposited with him, he used (that money). And on the day before he sailed, coming to my father he told him to lend him whatever money he had. For he said that he needed an additional sum for the peltasta. We had seven minae in cash; and he, taking that also, used it up. (23.) What man, do you think, gentlemen of the jury,—being ambitious, letters having come from his father from Cyprus (saying) that he would have no lack of anything, having been chosen ambassador, and being on the point of sailing to Euagoras,—(what man, do you think) would leave behind anything of his property, and not ingratiate himself with that one (i.e. Euagoras), if he could, (by) furnishing everything (he had) and (thus) gain not less? That this, now, is true, please call Eunomus.

WITNESSES.

You hear the witnesses not only that they lent (the money), when he asked for it, but also that they received it back; for it was brought them on the trireme.

And now it is easy to perceive from what has been said, that he would not have spared anything of his belongings at such critical times; of which this is the most conclusive proof: (25), Demus, the son of Pyrrhus and lampes, serving as trierarch to Cyprus, asked me to come to him,—saying that he had received a golden cup from the great king,—and get (for him) sixteen minae on it, which he might use to defray the expenses of his trierarchy; (he said) that when he should have come

to Cyprus, he would redeem it, paying twenty minae; for that he would have an abundance of advantages, both in other things and in the way of money, through this pledge, throughout the continent. (26.) Aristophanes, hearing this from Demus, although I begged him (to do so), and although (in that case) he would take the gold cup (with him) and receive four minae as interest, said that he did not have the money, but swore that he had borrowed from his friends besides from elsewhere, since (he said) it would give him the greatest pleasure in the world to take that pledge on the spot, and to grant our request. (27.) That this is the truth, I will bring forward witnesses to you.

WITNESSES.

That now Aristophanes left neither silver nor gold, it is easy to see from what has been said and testified. He did not possess many miscellaneous bronze utensils, nay, when he was entertaining the ambassadors from Euagoras, he borrowed (the plate) and used that. What he left, he (i.e. the clerk) will read to you.

INVENTORY.

(28.) Perhaps to some of you, gentlemen of the jury, it seems to be little. But consider this, that before we won the naval battle, they (i.e. Nicophemus and Aristophanes) possessed no land but a small estate at Rhamnus. And the naval battle took place during the archonship of Eubulus. (29.) And so, in four or five years, there being no property before that time, it is hard, gentlemen of the jury, to act as choregus for the tragedies twice, for himself and his father, and to



serve as trierarch for three years in succession, and to pay many taxes, to buy a house for fifty minae and to procure more than three hundred plethra of land; and do you think that in addition to this he should have left many household effects? (30.) But not even those reputed to be rich since olden times, could (under such circumstances) produce anything worth speaking of. For sometimes it is not possible, even if one is very desirous (of possessing such things), to buy such things as would afford pleasure in the future to him who had acquired them.

(31.) And consider this. Of the others, whose property you confiscated, you not only did not sell the furniture, but even the doors were carried off from the houses; but we, when the confiscation had taken place, and my sister had left, placed a guard in the house, in order that neither doors, nor vases nor anything else might be lost. And moveable property was accounted for (to the amount of) more than a thousand drachmae,—as much as you received from no one else. (32.) Besides both before and now we are willing to give a pledge, which is the greatest among men, before the commissioners, that we have (nothing) of Aristophanes' property, but that there is due to us the dowry of my sister and seven minae, which having received from my father, he left. (33.) How, then, could there be more miserable people, than if they (like we) are taught to possess the property of others, while (in fact) having lost their own? And which is most terrible of all, that (we are compelled) to give shelter to our sister, who has many children, and to support these, while having nothing ourselves, if you shall take away our property. (34.) Nay, by the Olympian gods, consider in this

way, gentlemen of the jury. If some one of you happened to have given his daughter or sister to Timotheus, the son of Conon, and his property had been confiscated, he being abroad and having fallen into disfavor, and if, everything having been sold, there did not accrue to the state four talents, would that be any reason why you should think it right to ruin his relations and those connected with him, because his fortune did not turn out to be even a small portion of the expectation on your part? (35.) And now you know all of you, that Conon was the commander, and that Nicophemus only did what he ordered him (to do). Therefore it is likely that Conon gave to any one else only a very small fraction of the spoils, so that if they believe that Nicophemus got much, they would (have to) admit that Conon's share would be more than ten times as much. (36.) Besides, they are known never to have had any difference of opinion, so that it is likely that they would agree also in reference to (the disposition of) the money in that each one left here (at Athens), sufficient for his son, and kept the rest with themselves (in Cyprus). For Conon had a son in Cyprus and a wife, Nicophemus a wife and daughter, and they thought that their property there (in Cyprus) was equally safe as that here (in Athens). (37.) Besides, consider (this), that if one,—not having acquired (his fortune) personally, but having inherited it from his father,—should distribute (part of it) among his children, he would reserve for himself not the smallest part; for all men are desirous of receiving obsequious attention from their children, (because) having money, rather than (because) being destitute, to ask of them (*i. e.* their children). (38.) And now

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suppose you should confiscate Timotheus' property,—which heaven forbid, unless some great benefit is to arise (from it) to the state, and you should get less from it than came from (the confiscation of) Aristophanes' property, would you think it right, for that reason, that his relatives should lose their property? (39.) That is not likely, indeed, gentlemen of the jury; for Conon's death and the will, which he made in Cyprus, have made it plain that he possessed only a small fraction of the money which you thought (that he would possess). For to Athena and to Apollo in Delphi he dedicated as votive offerings five thousand staters (out of the spoils of war); (40,) and to his nephew who looked after his interests and managed the whole property in Cyprus, he gave about ten thousand drachmae, and to his brother three talents; the remainder, seventeen talents, he left to his son. And the total of these sums is about forty talents. (41.) And no one can say that some robbery was committed or that anything was not rightly accounted for. For he himself made his will when he was ill, in his right mind. Please call witnesses of these things.

WITNESSES.

(42.) But every one, gentlemen of the jury, before both were made public, surely would have thought that Nicophemus' property would be but a fraction of the property of Conon. Aristophanes now bought land and a house for more than five talents, and used up five thousand drachmae as choregus for himself and his father, and as trierarch spent eighty minae. (43.) And in taxes he contributed for both not less than forty minae; and

for his journey to Sicily he spent a hundred minae; and for the fitting out of the triremes, when the Cyprians had come and you gave them the ten ships, and for the pay of the peltasts and for the buying of the arms he furnished thirty thousand drachmae. And the total of all these sums is fifteen talents, nearly. (44.) So that you would not charge us with reason, since the property of Aristophanes appears to be more than a third part of the property of Conon, which is acknowledged to have been rightly accounted for by himself, and was thought to be many times as much (as Aristophanes' property). And we do not count in what Nicophemus himself kept in Cyprus, he having a wife there and a daughter.

(45.) I do not expect, gentlemen of the jury, that you will ruin us unjustly, now that we have furnished so many and conclusive arguments. For I have heard both from my father and from other older people that not only recently but also in former times you have been mistaken in the case of many persons as to their property, and while living they were reputed to be rich, but after death they were shown (to be in wealth) much different from your opinion. (46.) For instance, all thought, during his life time, that Isomachus had more than seventy talents, as I hear; but his two sons divided between them not ten talents, each of them, after his death. Stephanus, the son of Thallus was said to have more than fifty talents, but after his death his property turned out to be about eleven talents. (47.) The estate of Nicias was expected to amount to not less than a hundred talents, and of this the greater part in ready money. But when (his son) Niceratus died, he said himself that he did not leave anything (in) silver or gold;

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but the property which he left to his son is worth not more than fourteen talents. (48.) Callias, again, the son of Hipponicus, when his father recently had died, was reputed to have more than any other Greek, and, as he says, his grandfather valued (his own property) at two hundred talents; his rateable property however is assessed at not even two talents. You know all that Cleophon handled all the money of the city for many years, and he was expected to have (made) much by his office, but after his death no money appeared, but his relatives and connections (by marriage), with whom he (left his property), are confessedly poor men. (49.) We appear then to have been greatly mistaken both concerning those who possessed hereditary wealth and those who recently have become prominent (by their reputed wealth). The cause seems to me to be, that some people readily dare to say that this or that man has (made) many talents from his office. And I am not greatly surprised at that which they say about the dead,—for they could not be refuted by them,—but (I am surprised) at the falsehoods they attempt to tell about the living. (50.) For you yourselves heard (it) lately in the assembly, that Diotimus had forty talents more than he acknowledged himself, from the ship captains and merchants. And after he had come (back) giving in an inventory and being angry that he was being slandered during his absence, no one put these (allegations) to the proof, although the state was in need of money, and although he was willing to prove his accounts. (51.) Consider now, what would have happened, if, while all the Athenians had heard (and believed) that Diotimus had forty talents, something then should have happened to him before he sailed

hither. In that case his relatives would be in the greatest danger, if they should be compelled to defend themselves against such a false accusation, not knowing anything of what had taken place. And (such men) readily daring to be and desiring to falsely accuse (others), are now the cause that you have been ruined in many cases and—yes, that some have been ruined unjustly. (52.) Again, I think you know that Alcibiades for four or five years in succession served as strategus, being victorious and having conquered the Lacedaemonians, and the cities thought it right to give to him twice as much as to any other of the strategi, so that some people thought that he had more than one hundred talents. But his death showed that this was not true, for he left to his children less property than the himself had received from his guardians. (53.) That, then, such things frequently happened in former times, it is easy to see. But they say that the best and the wisest men are especially willing to change their views. If now we appear (to you) to speak reasonably, and to furnish satisfactory evidence, gentlemen of the jury, by all means take pity on us, since we all the time expected to win out with the truth on our side, even though popular prejudice is so great against us. But you being unwilling to be persuaded by any means, there seems to be to us no hope whatever of safety. (54.) But, by the Olympian gods, gentlemen of the jury, we trust that they speak truth, who, even if silent, prove themselves by their whole life to be sober minded and justice loving people. (55.) Concerning now the indictment itself, and in what manner they became our relations, and that his

[REDACTED]

property was not sufficient for the expedition (to Cyprus) but that he borrowed money elsewhere,—you have heard and evidence has been given to you. Now I wish to say a few words to you concerning myself. I, being now thirty of age, never contradicted my father in anything, nor has any one of the citizens brought a charge against me, and, although living near the market-place, I never yet was seen near the court or the senate-house, before this misfortune befell us. (56.) Concerning myself I say that much; but concerning my father,—since the accusations have been brought as if he were at fault, forgive me, if I enumerate what he spent for the city and his friends. And I do not enumerate this, out of love of honor, but giving proof, that it is not (the part) of the same man, on the one hand to spend much money without necessity, and on the other hand to wish to possess something belonging to the commonwealth, with the gravest danger (to himself). (57.) There are some who spend money, in advance, (on the state) not simply for this reason (*i. e.* for the sake of spending money on the state, itself) but in order that, having been thought worthy by you to hold office, they may gain twice as much, (as they spent). Now, my father never had any desire to hold office, but served as choregus on all occasions (that this duty was assigned to him), and seven times served as trierarch, and contributed many and great taxes. That you may know that, too, (the scribe) will read a detailed account.

LITURGIES OF NICOPHEMUS.

(58.) You hear, gentlemen of the jury, the great number (of my father's public services). For it is fifty

PROPERTY OF ARISTOPHANES.

years that my father rendered public service both with money and in person. Now, it is likely that a man in so long a time, being reputed to possess considerable wealth to begin with (?), should have (tried to) evade no kind of expense (in behalf of the state), yet I shall bring forward witnesses to you.

WITNESSES.

(59.) The total of all these sums is nine talents and two thousand drachmae. Besides, privately he contributed to portion the daughters and sisters of some indigent citizens, and ransomed others from the enemy, and to others he furnished money for their burial. And this he did thinking it (the duty) of a good man to help his friends, even if no one were likely ever to know of it; but now it is right that you should hear it from me. Please call this and that one.

WITNESSES.

(60.) You have heard the witnesses. Remember, now, that for a short time one could assume a fictitious character (*lit. : could fashion his own character*), but that in the course of seventy years no one could escape detection of being a base man. Now, one could perhaps bring other charges against my father, but as far as money matters are concerned no one of his personal enemies ever has dared (to do so), (61.) and, therefore, it is not right to trust the words of the accusers rather than the deeds (of my father), which were done during the whole course of his life, and (it is not right to believe their words rather than) time, which you should hold to be the clearest test of truth. For if he were not such (as I described him), he would not have left so little out of so much,—for if now you should (suffer

[REDACTED]

yourselves to) be deceived by these men (*i. e.*, the accusers) and should confiscate our property you would not get even two talents. So that not only in reference to (your) reputation, but also as a mere question of money it is of greater advantage to you to acquit (me); for you will derive much greater benefit (from the money) if we have it. (62.) Consider, beginning with the past, how much appears to have been spent (by us) for the state; and even now I am serving as trierarch from the remainder (of our fortune), while my father died while serving as trierarch, and I shall endeavor,—as I used to see him (doing),—to get ready (my) small contributions, little at a time, for the public advantage. So that in fact this (property of mine) belongs to the state, and (at the same time) I shall not consider myself to be wronged (because) having been robbed of it, and to you the benefits will be greater in number than if you confiscate (the property). (63.) And besides it is right to consider what natural disposition my father had. Whatever he desired to spend outside of necessary expenditures, all these (extra expenditures) will appear to be such, from which honor was likely to be gained for the state. For instance, when he served in the cavalry, he bought horses, not only fine ones, but such as could serve in the national games, with which he won at the Isthmian and Nemean games, so that (the name of) the city was proclaimed, and he himself crowned. (64.) And so I beg of you, gentlemen of the jury, remembering these and all the other things I have said, to aid us and not to overlook us being ruined by our enemies (*i. e.*, and not to allow our enemies to ruin us). And doing that, you will render a just verdict, and what is of advantage to yourselves.

PANCLEON.

(1.) I neither could say much, gentlemen of the jury, concerning this case, nor does it seem to me to be necessary, but that I obtained leave to bring suit against this Panceleon, not being a Plataean, before the proper court,—that I shall try to prove to you.

(2.) For since he did not for a long time cease to injure me, I, going to the fuller's, where he worked, summoned him before the polemarch, thinking him to be a metic. When he said he was a Plataean, I asked him to what deme he belonged, one of my witnesses, now present, having suggested to me that I should summon him also before the tribe, to which he pretended to belong. When he answered from Decaea, I having summoned him also before the judges for the Hippothontian tribe, (3.) went to the barber-shop, along by the Hermæ, where the Decaeans habitually go, and made inquiries, and whatever Decaeans I met, I asked if they knew a certain Panceleon, belonging to the deme Decaea. And when no one said he knew him, I, finding that he is now defendant in some suits, and has lost others before the polemarch, I, too, obtained leave to bring my suit (there).

(4.) And now, I shall first bring forward as witnesses (these) of the Decaeans, whom I inquired of, and next also of the others, who both obtained suit against him before the polemarch and got sentence given against him, as many as happen to be present. Please, stop the water.



WITNESSES.

(5.) By these (things) persuaded, I obtained leave to bring suit against him before the polemarch. But when he put a counter-plea against me, that (the suit) was not admissible (before the polemarch), I, considering it of great importance not to appear to any one to wish to act insolently, rather than to take satisfaction for my wrongs,—first asked Euthycritus, the oldest of the Plataeans, with whom I was acquainted, and who, I supposed, would know better than any one else,—whether he knew a certain Panceleon of Plataea, son of Hipparmodorus. (6.) And then, when he answered that he did know Hipparmodorus, but that he (also) knew, he had no son either (by the name of) Panceleon, or any one else, I naturally began asking of the others, whoever I knew as Plataeans. Because now none of them knew the name, they said I could find out most accurately (by) going to the green cheese (market) the last day of the month; for that, on that day of each month, the Plataeans gathered there. (7.) Going now to the green cheese (market) on that day, I inquired of them if they knew a certain Panceleon, a fellow citizen of theirs. And all the others said they did not know, but one told me that he did not know of any one of the citizens bearing that name (lit. : to no one of the citizens being this name), but he said there was a runaway slave of his (by the name of) Panceleon, mentioning as his age the (age) of the defendant, and (as his trade) the trade he worked at (uses). (8.) That this is the truth, I shall bring forward as witnesses both Euthycritus, whom I asked first, and of the other Plataeans whoever I approached, and

the man who claims to be his master. Please, stop the water.

WITNESSES.

(9.) Later on, not many days afterwards, seeing this man Panceleon being led off (into slavery) by Nicomedes, who had testified he was his master, I approached (him) wishing to know what would be done with him. And on that occasion, after they had ceased quarrelling, some of his (Panceleon's) witnesses said he had a brother, who would vindicate his freedom; on these pleas having given bail that they would produce him, they, departing, went their way. (10.) On the following day, in view of this counterplea and the suit itself, it seemed to me to be advisable to be on hand that I might know the (man who was) going to release him and on what grounds he would release him. And now (as far as the pleas were concerned) on which he was released on bail,—neither his brother, nor any one else appeared, but a woman (came), saying he was her slave, disputing the claim of Nicomedes, and she said she would not allow him, (Nicomedes) to lead (Panceleon into slavery). (11.) As to all that was said on this occasion, it would be too long a story for me to tell; but his (Panceleon's) witnesses and he himself went to such a degree of violence, that, although Nicomedes was willing to let him go, and the woman was willing to let him go, if any one either should vindicate his freedom or should lead him off, saying he was his slave,—they, doing nothing of these things, carried him off and left. That now, on the preceding day he had been released on bail on these pleas, and that at that time they carried him off forcibly and left, I shall bring forward witnesses to you. Please, stop the water.

[REDACTED]

WITNESSES.

(12.) It is therefore easy to perceive that not even Panceleon himself thinks he is a free man, to say nothing of (his thinking himself) to be a Plataean. For he, who preferred, by being forcibly carried off, to make his own friends liable to an action for forcible abduction, to exacting satisfaction from those who tried to lead him into slavery, after he should have been restored to freedom in lawful manner,—it is not difficult to recognize that he, well knowing himself to be a slave, feared, by producing sureties to contend concerning his civil status.

(13.) That now he is far from being a Plataean, I think you understand pretty well from the testimony given; but that even he himself, who knows his own affairs best did not expect that he would be thought by you to be a Plataean, you will easily perceive from what he did. For during the pleadings of the suit, which this Aristodicus obtained against him, he (Panceleon) claiming that the polemarch had no jurisdiction in his case, was shown on evidence not to be a Plataean, (14,) and (then), although having brought an action against the witness (for false evidence) he did not prosecute him, but allowed Aristodicus to get sentence given against him. And when he had become over time (in paying the damages assessed against him) he settled the fine on such terms as he persuaded (him to accept). And of these facts, that they are true, I shall bring forward witnesses. Please, stop the water.

WITNESSES.

(15.) Before now this had been agreed upon with him (i. e. before his compromise with Aristodicus), fearing

Aristodicus, moving from here, he lived for some time in Thebes. And yet, I think, you know, that, if he were a Plataean, he would have been likely to remove to any place rather than to Thebes. That he dwelt there for some time, of this I shall bring forward witnesses to you. Please, stop the water.

WITNESSES.

(16.) What has been said by me, I think, is sufficient, gentlemen of the jury; for if you remember this, I know you will render a just and true verdict; which I too beg of you.

[REDACTED]

THE CRIPPLE.

(1.) I come near to being thankful to the accuser, members of the boule, for getting up this suit against me. For formerly not having an occasion for giving an account of my life, now through him I obtained (this occasion). And I shall try to show in my speech that he is telling falsehoods, but that I have lived, until this day, worthy rather of praise than of envy; for he seems to have jeopardized me on this occasion through nothing else but envy. (2.) And yet, he who envies those, whom all others pity,—from what kind of baseness, do you think, would such a man abstain? (Jealousy prompted his suit against me.) For if he is accusing me falsely for the sake of money,—but if he is seeking to avenge himself on me (on the plea of my) being an enemy of his, he is lying, for on account of his meanness I never had anything to do with him, either as friend or foe. (3.) Now, therefore, it is clear that he is jealous, because (although) afflicted by such a misfortune, I am (yet) a better citizen than he. For I think it behooves a man, members of the boule, (to try) to counteract defects of the body by pursuits of the mind. For if I [shall] have a mind and otherwise lead a life to correspond to my physical infirmity, in what respect shall I differ from him?

(4.) Well, concerning this point, let this be said. Concerning which it is right for me to speak, I shall speak as briefly as possible. For my accuser says I do

not justly receive the money from the city; for that I am physically sound and do not belong to the cripples, and that I understand a trade such as (to enable me) to live even without this gift (i. e. the pension). (5.) And he adduces as proofs (1.) of my strength of body that occasionally I ride horseback, and (2.) of my success at my trade, that I am able to associate with men who can afford to spend money. Concerning, now, the affluence (accruing to me) from my trade and concerning my other means of support, such as they happen to be, I think all of you are acquainted (with the facts); yet I shall say a few words (on this point). (6.) My father left me nothing and I have ceased providing for my mother only two years ago, when she died; and children who will take care of me, I have not as yet. But I possess (i. e. understand) a trade which is worth a little money (and) at which I myself work with difficulty, but I cannot yet afford to buy (a slave) to relieve (me) at it. Other income I have none but this (pension), and if you take this away from me, I should be in danger to come into the power of a most distressing fate. (7.) Do not, however, members of the boule, ruin me unjustly, while it is open to you to save me justly, and do not take away from me, now that I am getting older and weaker, what you gave me when younger and stronger. And do not, now, through him, give an unkind reception to those who are an object of pity even to their enemies, while formerly you seemed to be most compassionate even in the case of persons who had nothing the matter with them, and do not cause the others also, who are similarly afflicted as I, to be discouraged, by (your) having the heart to wrong me. (8.) For it would be absurd, members of the boule, if when I had only this



misfortune, at that time I should be known to receive this money, while now that both old age and illness, and the evils that follow in their train, are also coming upon me, I shall be deprived of it. (9.) It seems to me that my accuser, alone of all men, could show most clearly the extent of my poverty. For if I, having been appointed as choregus for tragedies, should challenge him to an exchange of properties, he would choose to be a choregus ten times rather than to exchange property (with me) once. And is it not strange (for him) now to accuse me, (alleging) that on account of my wealth I can afford to associate on an equal footing with the richest people, whereas he would acknowledge me to be thus situated (as I described) and (to be) even more wretched, if something should occur, of what I said (just now).

(10.) Concerning my horsemanship, of which he had the assurance to speak to you, fearing neither nemesis nor being ashamed before you, not much need be said. For I, for my part, think, members of the boule, that all, having some misfortune (*i. e.* physical infirmity) are (always) seeking this and making this their study, how they shall manage their affliction with the least pain (to themselves). I am one of these, and having fallen into such a misfortune I found this (*i. e.* riding horseback) as a relief for the longer of the necessary journeys. (11.) And which is the most convincing proof, that I ride horseback on account of my infirmity, and not on account of arrogance, as he says: if I possessed wealth, I would make my journeys on a padded saddle, but would not ride on borrowed horses. But now, since I cannot afford to buy such (a saddle), I am often compelled to use borrowed horses. (12.) And yet, is it not absurd

that this same man (*lit. : this one himself*), if he had seen me riding on a padded saddle, would have had nothing to say,—and, indeed, what *could* he have said,—while he (now) attempts to persuade you that I am not an invalid, because I ride borrowed horses? And (is it not absurd) that he does not accuse me because I use two canes (*i. e.* crutches) while other people use but one, (saying) that this too (*i. e.* the use of a single cane) is (a mark) of able-bodied men, while he does use with you as proof that I belong to the able-bodied (the fact) that occasionally I ride horseback? Both of which things I use for the same reason.

(13.) So much does he surpass all men in impudence that he tries to persuade you,—you being so many (in number), he being alone,—that I am not (one) of the cripples. And yet, if he shall convince some of you, members of the boule, on this point, what prevents me from being chosen by lot as (one) of the nine archons, and (what prevents) you from taking away the obol from me as (being) sound of body, and from voting it, all of you, to him, as (being) a cripple? For I should say, you will not take away your gift from one and the same man, as being sound, while the thesmothetae will prevent him from drawing lots, as being physically unsound!

(14.) But, as a matter of fact, you do not agree with him, nor does he (agree with himself), when in his right mind. For he, as if my misfortune were an helress, is come to dispute (about it), and he tries to persuade you, that I am not such as you all see (that I am), but you,—which is the part of sane men,—trust your own eyes rather than his words.

(15.) He says I am a bully, and of violent temper, and

[REDACTED]

of an exceedingly wanton disposition, as if he were likely to speak the truth, if he should call me hard names, and (as if) he would not do this (*i. e.* speak the truth) if (he should describe me) in milder language. I think, members of the boule, that you must understand, what people are allowed (*lit.* to what people it is admissible) to be bullies, and to what people (this privilege) does not belong. (16.) For it is not likely, that poor men and those in very indigent circumstances should be overbearing, but (rather) those, possessing much more than the bare necessities; nor those infirm in body, but those relying on their strength more than others; nor those already advanced in years, but those still young and with their notions (still) young. (17.) For the rich buy off the dangers with their money, but the poor are forced to be discreet by their want of resources; and the young expect to find pardon with the older people, but older people, when going astray, both (the young and the old) equally reproach; (18.) and again to the strong, even if suffering no harm it is admissible to bully whomever they wish, but to the weak it is not possible either to defend themselves, when treated insolently, against those who begin (*i. e.* who give the provocation), nor (is it possible for them) when wishing to treat (any one) insolently, to get the better of their intended victims. So that the accuser seems to me to speak concerning my overbearing ways not seriously, but joking, nor wishing to convince you that I am such, but wishing to ridicule me, doing, as it were, something fine.

(19.) Again he says that there come together at my place men of bad character, in great numbers, who have squandered their own fortunes, and (now) are laying

snares for those who wish to keep theirs. Keep in mind, all of you, that, in saying this, he does not accuse me more than the rest, who have trades, nor those who meet at my place more than those who (meet) at the shops of other tradesmen. (20.) For each of you is accustomed to frequent (some place), the one (going) to the perfume-shop, another to the barber's, another to the shoemaker's, another, again, wherever he may happen (to go habitually), and most men to those established nearest the market-place, but least to those furthest away from it; so that, if any of you shall condemn those meeting at my shop of wickedness, it is evident that (he condemns) also those spending their time at the other men's shops; and if these, then all the Athenians; for all of you are accustomed to frequent and spend your time somewhere or other.

(21.) But I don't know why it is necessary for me to weary you any longer by defending myself minutely against each detail of his accusations (*lit.*: of the things said). For if I have spoken on the main points, why is it necessary to tell earnestly about things as trifling as this man (is himself)? I would (rather) ask you, members of the boule, to hold the same opinion concerning me as (you held) before. (22.) And do not deprive me, on account of this man, of that, in which alone of the things in my country fortune has allowed me to share; and do not let him, being one, persuade you to take away again, what all of you granted me in common. For since, members of the boule, the deity has deprived me of the greatest offices, the city voted this money for us, considering that strokes of both bad and good fortune are apt to alight on all alike. (23.) Should I not be most miserable if on the one hand I should be deprived

[REDACTED]

through my misfortune of the fairest and greatest things, and on the other hand should be robbed through my accuser of that which the city granted (me), taking thought of those thus situated? Do not, I pray you, members of the boule, cast your votes thus. (24.) For why, indeed, should I find you thus disposed (toward me)? Perhaps because at any time, some one, being involved in a lawsuit through me, lost his fortune? But not even one could prove that. But then, because I am a busy-body and over-bold and quarrelsome? But I do not enjoy such a condition of life (as is requisite) for such behavior. (25.) But because I am too over-bearing and of violent temper? But not even he (my accuser) would say that, if he did not wish to lie about this as about the other things. But because, having become a man of influence during the rule of the Thirty, I harmed many citizens? But I went into exile with the democrats to Chalcis, and while it was possible for me to dwell among them as a citizen without fear, I preferred to live in danger with all of you. (26.) And, therefore, members of the boule, do not let me, guilty of no misdoing, meet with the same treatment as those who are guilty of many crimes, and cast the same vote concerning me as the other boule did, remembering that, not having handled money belonging to the city, I am (now) giving account of them, nor, having held any office, I now have to render an account of this, but only about an obol I am pleading. And thus (*i. e.* if you keep that in mind) all of you will render a just verdict, and I, obtaining this, shall be grateful to you, and he will learn in the future not to plot against those weaker (than himself), but (to try) to get the better of those who are his equals.

ERGOYLES.

(1.) The accusations are so many in number and so terrible, gentlemen of Athens, that it seems to me that Ergocles would not be able to make sufficient amends to the people, if put to death several times for each one of his (mis-) deeds. For he is shown to have betrayed cities, and to have wronged consuls and fellow-citizens of yours, and from (being) poor to have become rich at your expense. (2.) And yet how could it be right to grant them pardon, when you see the ships, which they commanded, going to pieces for lack of money, and out of many becoming few (*i. e.*, the number of the ships, originally large, had dwindled down to an insignificant total), but (while you see) these, sailing out (as) poor men and (men) without means, (now) so quickly possessing the greatest wealth of the citizens? And, therefore, it is your duty, gentlemen of Athens, to be indignant on account of such things. (3.) For, indeed, it would be strange if now, while being burdened yourselves by the war taxes, you should grant pardon to those who steal and accept bribes, while, in former times, when your estates were large and the public revenues were large, you punished with death those coveting your possessions. (4.) I think that all of you admit that, if Thrasybulus had definitely stated to you that he would sail out with triremes, and that he would hand over these (triremes) in a worn-out condition instead of new, and that the dangers would be yours, but the profits (would be) of

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his friends, and that they would render you poorer on account of the war taxes, but that he would make Ergocles and his clique the richest of the citizens, none of you would have permitted him to sail out with the ships; (5.) especially since, as soon as you passed a vote, he should make a report of the money received from the cities, and that the commanders (who were) with him should sail homeward in order to give their accounts, Ergocles said you were again calumniating, and that you were eagerly returning to the old laws, and he advised Thrasybulus to seize Byzantium, and to keep his ships, and to marry the daughter of Seuthes, (6.) "in order that," he said, "you may put an end to their calumniations; for you will cause them not (*i. e.* instead of), to sit idly at home, plotting against you and your friends, but to fear for themselves." Thus, gentlemen of Athens, as soon they had filled themselves and had a taste of what belonged to you, they considered themselves aliens of the state. (7.) For as soon as they are rich they hate you, and no longer as going to be obedient do they make preparations but as going to rule you, and, fearing for what they have stolen, they are ready to seize strongholds and to establish an oligarchy and to do everything (in their power), in order that day by day you may be in the greater danger; for thus, they think, you will no longer pay attention to their own misdeeds, but, fearing for yourselves and for the state you will keep quiet, so far as they are concerned. (8.) And Thrasybulus, gentlemen of Athens (for it is not necessary to say more concerning him), did well thus dying (as he died), for he should neither be alive, while plotting such deeds, nor (should he) be put to death by you, having the renown of having rendered you some (signal)

service in former times, but (he should) be quits with the city in such a way (as he was). (9.) I hear that they, on account of (the proceedings in) the assembly the day before yesterday, are no longer sparing their money, but (trying to) purchase their lives from the speakers (*i. e.*, the public prosecutors), and from their private enemies and from the Prytanes, and that they (are trying to) bribe many of the Athenians with money. Against these (imputations of bribery) you should make an emphatic reply, (by) now exacting punishment from him, and you should make it clear to all men that there does not exist so much money, that you should succumb to it, so as not to punish wrongdoers.

(10.) For keep in mind, gentlemen of Athens, that not Ergocles alone is on trial, but the whole city. For now you are going to show your commanders, whether they must be just, or whether, when having embezzled of your possessions as much as possible, (they may) procure safety in the same manner, in which these now attempt (to procure safety). And yet we must know (this), gentlemen of Athens: (11.) whoever, while your affairs were in such straits, either betrays cities, or is disposed to steal or to accept bribes, he (will) hand over to the enemy our walls and our ships, and (will) establish an oligarchy to take the place of (our) democracy. So that it is not right for you to yield to their intrigues but to set up an example for all men, and not to think more of either gain or compassion, or any thing else but the punishment of these men.

(12.) I think that Ergocles, gentlemen of Athens, will not attempt to defend himself about Halicarnassus, and his commandership, and about the things done by him,

[REDACTED]

[REDACTED]

but that he will say that he came back from Phyle and that he is a democrat and that he shared in your dangers. But I, gentlemen of Athens, do not hold the same opinion concerning such things; (13.) but (I think that) all those who, desirous of liberty and justice, and wishing the laws to be in force and hating the wrong-doers, shared in your dangers, are not worthless citizens, and I affirm that not unjustly their exile is put down to their account; but those, who having come back wrong the people in a democratic state and make their private estates large at your expense,—it befits us to be much more angry with them than with the Thirty. (14.) For these were appointed for this very purpose, that they might do you harm, if in some way they were able to; but to those you entrusted yourselves, that they might make the city great and free; of which nothing accrued to you, but as far as they were concerned you have been placed in (a position of) the direst dangers, so that much more justly you should take pity on yourselves than on these, and on your children and your wives because you are outrageously treated by such men. (15.) For when we thought that we had laid hold of safety, we suffer more dreadfully from our own leaders than from the enemy. And yet all of you know that we have no hope of safety, if once unsuccessful. So that it is right that you, cheering on yourselves, now exact from these the greatest penalty, and show the other Greeks that you punish the wrong-doers and (thus) you will make your leaders better. (16.) Thus, then, I cheer you on; but you must know, that, if you follow my advice, you will resolve the right thing for yourselves, but if not, you will have worse citizens in the rest of them. And

again, if you acquit these, they will not be grateful to you, but to the (money) expended and to the money which they embezzled; so that you will leave to yourselves their enmity, but to their money they will be grateful for their safety. (17.) And thus, gentlemen of Athens, both the people of Halicarnassus and the others, wronged by these (i. e. Ergocles and his associates), if you exact from them the severest punishment, will think that they were ruined by these, but that you came to their assistance; but if you grant these their lives, they will think that also you have become of one mind with these who betrayed them. So that it is right, that you, keeping in mind all this, at the same time should return a favor to your friends, and should exact punishment from those who did wrong.



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PHILOCRATES.

(1.) This trial, gentlemen of the jury, has been more destitute (of accusers) than I expected. For many were those threatening and those saying they would accuse Philocrates; of whom no one now is to be seen. (A circumstance) which also to me appears to be a proof, second to none, of the schedule, that it happens to be (— is) in accordance with the facts. For if he did not have much of Ergocles' money, he would not be so (well) able to get rid of his accusers. (2.) I believe, gentlemen of the jury, that you all know, that you condemned Ergocles to death for this reason, because, by badly managing the affairs of the state, he gained a property of more than thirty talents. And of this money nothing is to be found in the city. And yet whither should one turn or where (should one) look for the money? For if it shall not be found with his marriage-relations, or with the men with whom he lived most intimately, it shall hardly be found with his enemies. (3.) And of whom did Ergocles think more than of Philocrates, or with whom of men was he on more intimate terms? Did he not take him along as your *poetes*, and made him purser of his own money, and finally appointed him as trierarch? (4.) And yet, it would be strange, if those having property complain, when serving as trierarchs, while he, formerly possessing nothing, at that time voluntarily undertook (the burden

PHILOCRATES.

of) this liturgy. And so he (Ergocles) did not make him trierarch to suffer loss (lit.: as going to be mulcted), but to benefit him (lit.: as going to be benefited) and to be a guardian of his own (i. e. Ergocles') money, having not whom he should trust rather than this one. (5.) I think, gentlemen of the jury, that Philocrates has two, and only two, ways of clearing himself of the charges; for he should show either that others have the money of Ergocles or that he (Ergocles) has perished unjustly, having embezzled nothing of what belonged to you, nor having accepted bribes. But if he shall do neither of these things, it seems proper to condemn him, and not, on the one hand, to be angry with those who take away from the others, and on the other hand to pardon those who keep that which belongs to you.

(6.) Who of the Athenians does not know that three talents were deposited with middle-men for the (public) speakers at the time of Ergocles' trial, if they could save him and not accuse him? Who (i. e. the public speakers), when they saw the anger on your part, who wished to punish (Ergocles), kept quiet and dared not show their intentions. And at first, he (Philocrates), not recovering the money from them, said that he would lay information (against them) before the state; (7.) but after he had received both this (money) and had become master of the other money of him (i. e., Ergocles), he came to such a pitch of daring, that he procured witnesses, who will testify that he, of all men, was the greatest enemy of Ergocles. And yet do you think, gentlemen of the jury, that he would have reached such a degree of madness, as to undertake voluntarily a trierarchy, Thrasybulus being strategus and he (i. e. Philocrates) being at variance with Er-

[REDACTED]

gocles? For how could he sooner be ruined, or how could he more expose himself to insult?

(8.) Concerning, now, these points, what has been said is sufficient. I think it right, however, that you should aid yourselves, and should punish the wrong-doers much rather, than think those who keep that which belongs to the city an object of pity. For he will not put down anything of what belongs to himself, but will only (have to) pay to you what belongs to you, and much more than this will be left to him. (9.) For it would be terrible, gentlemen of the jury, if you should be angry with those who are unable to pay their taxes, and confiscate their property as (that) of wrong-doers, while you should not punish those who are holding that which belongs to you, but should (in this way) rob yourselves of your money, and render these still more dangerous enemies. (10.) For as they go about with the consciousness of having some of your belongings, they will never cease to be evil-minded, in the belief that misfortune alone to the state is their chance of ridding themselves of all annoyance.

(11.) I think, gentlemen of the jury, that in this trial not only his money should be involved, but that he should also stand in danger of losing his life. For it would be terrible, if those, sharing knowledge with the thieves of property stolen from private persons, should be liable to the same (penalty as the thieves themselves), while he, who was cognizant of Ergocles, robbing the city and accepting bribes at your loss, should not meet with the same punishment, but should receive as prizes, the property which had been left by him, in return for his own wickedness. (12.) And they, deserving of your anger, gentlemen of the jury. For

these men, when Ergocles was being tried, went around among the people and said that five hundred men from Piræus had been bribed by them, and sixteen hundred from the city, and they claimed they trusted more in their money than that they feared their own misdeeds. (13.) And now, on that occasion you showed them, and if you are sensible you will now again make this evident to all men, that there is not so much money in existence to dissuade you from punishing whomever you find guilty of wrong-doing, and that you will grant no impunity to those who rob and steal what belongs to you. (14.) Such is then my advice to you. For you all know that Ergocles sailed away with the intention of making money, and not with the intention of gaining praise and honor with you, and no one else has the money (which Ergocles gained) but this man. If now you act wisely, you will recover what belongs to you.



NICOMACHUS.

(1.) Some men, gentlemen of the jury, coming up for trial, before now appeared to be at fault, but showing the noble achievements of their ancestors and their own good services, they have found pardon with you. Since now you admit (the argument) of defendants, if they appear to have rendered the state some service, I think it just that you should listen also to the accusers, if they show the defendants to have been bad men since a long time. (2.) That now the father of Nicomachus was a public slave, and what his (*i.e.* Nicomachus') pursuits were when he was a young man and how old he was when he was enrolled in his phratry, it would be (too) great a task to tell. But since he became a registrar of the laws,—who does not know what indignities he inflicted on the city? For while he had been ordered to inscribe the laws of Solon within four months, he made himself instead of Solon the law-giver, and instead of four months made his office one of six years, and accepting money every single day he had some laws written in the code, and cancelled others. (3.) To this we have come, that we had the laws dealt out to us from his hand; and parties to a suit used to quote in the court-room opposing (laws), both claiming to have received (them) from Nicomachus. And although the archons inflicted fines on him and brought his case before the court, he refused to hand over the laws. But first the city was involved in the greatest disaster

before he would part with his office and would render account. (4.) And, gentlemen of the jury, since he did not render account of those (acts during his first term of office), in what manner has he in the present case also discharged the duties of (this new) office? A man, who, in the first place, inscribed the laws during four years, while it was possible for him to be done with it within thirty days; secondly, although it had been defined, from what (documents) he was to inscribe (the laws) he made himself final authority in all matters, and (although) having managed so much, he alone of those who held office did not render his accounts. (5.) But the others give in an account of their office every prytany, but you, Nicomachus, did not choose to finish the codification in four years, but to yourself alone of all citizens you think it to be allowed to hold office for a long time, and neither to render your account, nor to obey decrees, nor to heed the laws, but you inscribe one law, and erase another, and you have come to such a pitch of insolence, that you consider the property of the state yours, although being yourself a slave belonging to the state. (6.) And now, you should, gentlemen of the jury, punish him remembering the ancestors of Nicomachus, what they were, and this man (himself) how thanklessly he behaved toward you, transgressing the laws, and since you have not obtained satisfaction for each separate offence, now inflict punishment for them all.

(7.) Perhaps, gentlemen of the jury, since he cannot make a defence concerning his own doings, he will attempt to slander me. But I ask you to believe him concerning my affairs only then, when I am not able to convict him of lying, when the opportunity is given me



to reply to his accusations. But when he attempts to say what he said in the council chamber, that I was one of the Four Hundred, keep (this) in mind : to judge his fellow, greater villain than any of them, joined so by (the words of) those who say such things, there must be more than a thousand of the Four Hundred. For the trial took place, he produced that law. (12.) Now those wishing to slander, make these allegations against gentlemen of the jury, one could bring other charges men who were still children at that time, and against Cleophon ; but this is universally acknowledged, those who were absent from the town. (8.) I was one of those who were breaking up our democratic form of so far from being one of the Four Hundred, that I was a member of the government, were desirous that he especially of all citizens not even enrolled as one of the Five Thousand. But he should be got rid off, and that Satyrus and Chremion seems to me to be strange, that, if I, contending with those who were made members of the Thirty, did not him in a private suit, so plainly had convicted him of wrong-doing, he himself would not have demanded that he be acquitted, (because) making such a plea, but now he demands death. (18.) And they accomplished this by while on trial (in a suit) affecting the state, he will be punished by you, (because) accusing me.

(9.) Besides I think it surprising that he should think fit to bring up past wrongs against other offenders, while I shall prove him to have been plotting against the democracy. Now listen to me. For it is right, gentlemen of the jury, to admit such charges on party grounds. (14.) If now, he defends himself against cerning such men as now claim to be on the side of the people, after at that time they had helped to put down the cause of democracy. (10.) For when, the ship having been lost, the revolution was made the object of political intrigue, Cleophon abused the boule, saying that it was a band of conspirators, and that in the councils they did not act for the best of the state, through which Strombichides and Calliades and many tyrus of Cephisia being then a member of the boule persuaded the boule to bind him and hand him over to the court. (11.) And wishing to ruin him, (but) fearing they would not kill him in the court, they persuaded

Nicomachus to produce a law to the effect that the boule should sit in the court also, with the dicasts. And his fellow, greater villain than any of them, joined so in their conspiracy, that, on the day, on which he produced that law. (12.) Now those wishing to slander, make these allegations against gentlemen of the jury, one could bring other charges men who were still children at that time, and against Cleophon ; but this is universally acknowledged, those who were absent from the town. (8.) I was one of those who were breaking up our democratic form of so far from being one of the Four Hundred, that I was a member of the government, were desirous that he especially of all citizens not even enrolled as one of the Five Thousand. But he should be got rid off, and that Satyrus and Chremion seems to me to be strange, that, if I, contending with those who were made members of the Thirty, did not him in a private suit, so plainly had convicted him of wrong-doing, he himself would not have demanded that he be acquitted, (because) making such a plea, but now he demands death. (18.) And they accomplished this by while on trial (in a suit) affecting the state, he will be punished by you, (because) accusing me.

—that also among those put to death during the oligarchy, perhaps one (or two) were bad men, but still you are also for the sake of such people, not for their crimes, but on their own grounds. (14.) If now, he defends himself against this charge, remember this much, that he produced the law at such a time, when a change of government was the cause of democracy. (10.) For when, the ship having been lost, the revolution was made the object of political intrigue, Cleophon abused the boule, saying that it was a band of conspirators, and that in the councils they did not act for the best of the state, through which Strombichides and Calliades and many tyrus of Cephisia being then a member of the boule persuaded the boule to bind him and hand him over to the court. (11.) And I would not have spoken of these matters, if he did not observe that he will attempt to escape unjustly on the plea that he was a democrat, and that he

is going to use as evidence of his good-will towards the democracy, the fact that he was in exile. But I could also show you others of those who helped to put down the democracy, some of them killed, others exiled and not sharing in the government, so that it is right that this should not be taken into account to his advantage.

(16.) For he contributed his share towards your being exiled, but the people became the cause of his returning home. Besides it would be absurd if you should thank him for what he suffered against his will, while you should not punish him for the wrongs he committed voluntarily.

(17.) I hear that he says that I am guilty of impiety, because I abolish the sacrifices. If I had been a proposer of the laws concerning the codification of the laws, I would think it possible for Nicomachus to say such things about me, but now I demand that he obey the common and established laws. I am surprised that he does not bethink himself, that he accuses the state also, when he claims that I am guilty of impiety because saying that we should make the sacrifices as ordered in the tablets and pillars, according to the agreements for you voted on this. And then, if you think that dreadful, do you perhaps also think that those people did wrong, who offered only the sacrifices, ordered by the tablets? (18.) And yet, gentlemen of the jury, we should not learn about piety from Nicomachus, but look to what was done in the past. Now our ancestors offering according to the tablets, handed down the city as the greatest and wealthiest of the Greek cities, so that it is right for us to make the same sacrifices they made if not for any other reason, then for the sake of the good fortune which has come to them through these sacrifices.

(19.) How could any one be more pious than I, who think it right to offer sacrifices in the first place according to ancestral custom, secondly, that which is of greater advantage to the state, and besides that which the people ordered by vote, and which we shall be able to pay for from the revenues? But you, Nicomachus, have done the opposite of this. For by having published (in your codification) more than you were ordered, you have become the cause that the revenues are being spent on these, and that we are falling short in our ancestral sacrifices. (20.) For instance, last year's sacrifices, belonging to those ordered in the tablets, amounting to three talents, remained unperformed. And it is not possible to say that the revenues of the city were not sufficient. For if he had not published (in his revision of the laws) more than for six talents there would have been sufficient for the ancestral sacrifices, and the city would have had a surplus of three talents. About that which has been said (by me) I shall bring forward witnesses to you.

WITNESSES.

(21.) Remember now, gentlemen of the jury, that when we offer sacrifices according to the agreement, all the ancestral offerings are made, but when (we offer sacrifices) according to the pillars, which he inscribed, many of the sacrifices are abolished. And yet that temple robber runs around, affirming that in his revision of the laws he was aiming at piety and not at cheapness; and if that does not please you, he tells you to erase it, and on these grounds he expects to persuade you, that he did no wrong,—he, who in two years caused an expenditure of more than twelve talents more than was necessary, and tried to inflict on the state a yearly fine of six talents,

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(23.) and that, seeing that the state is in want of money and that the Lacedaemonians are threatening, if we do not return the money to them, and that the Boeotians are making reprisals on us because we could not pay them their two talents, and that the docks and walls are going to ruin, and knowing that the boule, in session for the time being does not go fail, so long it has sufficient money to meet the government expenditures, but, when it finds itself in want, is compelled to admit impeachments, and to confiscate the property of citizens and to listen to those of the speakers who say the most pernicious things. (23.) We should, now, not be angry at those who happen to be members of the boule, but at those who bring the state into such straits. Those who wish to steal the common property are anxiously watching how Nicomachus will fare on his trial; and you will make them very reckless, if you do not punish him, but if condemning him, you inflict the heaviest punishment on him, you will by the same vote render the others better, and you shall have obtained satisfaction from him. (24.) You know, gentlemen of the jury, that it will be a warning to the others not to dare to wrong you, not, when you punish those who are unable to speak, but when you exact punishment from those who are able to speak (in public.) Who is there now of those in the city, who deserves more to be punished than Nicomachus? Who has benefited the state less and has injured it more? (25.) He who being appointed to inscribe laws relating to our sacred duties towards our fellow men and towards the gods, did wrong as to both. Remember that you put to death many of the citizens on former occasions for theft. And yet those men injured you for the time being, but these men, who ac-

cepted bribes for inscribing laws and rites, cause loss to the state for all time.

(26.) And why should one acquit him? On the plea that he has been a brave man when facing the enemy, and that he was present at many land and naval battles? But while you were exposing yourselves to dangers, sailing out, he, remaining here, disfigured the laws of Solon. But because he spent money (for the state) and paid many taxes? Now, far from giving you voluntarily anything of his own he embezzled much of what was yours. (27.) But then because of his ancestors? For it has happened that some men were pardoned by you for this reason. But this man ought to be put to death on his own account, and because of his ancestors he ought to be sold on the slave-market. But then, in order that, if you spare him now, he will be grateful (and repay you) afterwards? A man, who does not even remember the favors he received at your hands before. And yet from a slave he was made a citizen, from a beggar a rich man, and from an under-clerk a law-giver. (28.) And one might accuse you on that score, that your ancestors chose Solon and Themistocles and Pericles as law-givers, thinking that the laws would be such as were those who gave them, but you (chose) Tisamenus, the son of Mechanion and Nicomachus and other under-clerks. And you think that the offices are degraded by such men, and yet you trust in these same men. (29.) And this is the worst of all: the same man is not allowed to be an under-clerk twice during the same archonship, but when the greatest interests are involved you allow the same men to hold power for a long time. And finally you chose Nicomachus to inscribe the ancestral laws, a man who on his father's

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side had no part in the state. (30.) And he who ought to have made his decisions in favor of the people, plainly assisted in putting down the democracy. Now, however, you should repent of what you did, and do not patiently suffer yourselves to be always maltreated by these men, and do not in private inveigh against the criminals, and then acquit them, when you have the opportunity to punish them. (31.) And on these points what I have said is sufficient. But I wish to say a few words to you about those who intend to beg him off. Some of his friends and of the men engaged in state affairs, are ready to plead for him. I think that some of them ought rather to defend themselves about their own acts than to deliberately choose to try to save offenders. (32.) It seems to me strange, gentlemen of the jury,—if they never tried to beg him, who is but one and has been wronged by the state in no way, that he should cease to wrong you, while now they will seek to persuade you, being so many, and having been wronged by him, that you should not punish him. (33.) Now, you should,—just as you see those eagerly trying to save their friends,—in the same way take vengeance on your enemies, well knowing that you will seem to them to be brave men, only after you have punished the wrongdoers. And consider that neither Nicomachus nor any one of those who are going to plead for him has conferred so many benefits on the state, as he injured the state, so that you should much rather punish than aid them. (34.) And these same men should know that having pleaded long with (us) the accusers, they could not prevail on us, but they have come near to the court intending to tamper with your vote, and they hope that, after having deceived you, they will have the liberty to

do whatever they wish. (35.) But we, being asked by them, refused to do their bidding, and we call on you (to do) this same thing, and not to be impatient of evil only before the trial, but also to (actually) punish at their trial those who mar your legislation. For in this way everything relating to the government will be managed in accordance with the law.



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PHILO.

(1.) I never believed, members of the boule, that Philo would go to such a pitch of boldness, as to bring himself to appear before you to be examined. But since he is daring not in one respect only but in many, and (since) I entered the senate, having sworn that I would give the best advice to the city (I knew), (2.) and since it is (stated) in the oath that one should make it known if he knows that some one of those who obtained (office) by lot, is unfit to be a senator,—I make the (present) accusation against this Philo, not, however, following up any private enmity, nor because being led on by that power of speech and the circumstance of being accustomed to speech (on which many rely), but basing my hopes of success on (lit. : trusting in) the multitude of his crimes and wishing to abide by the oath which I swore. (3.) You will find out that not (starting) from equal preparedness, I shall try to bring out what kind of a man he is, as he has set to work to be a knave. Still, if, in any respect, I should fall short in my speech of accusation, it would not be just that he should derive benefit on that account, but rather that he should be rejected as a consequence of whatever I prove satisfactorily. (4.) For I should have spoken insufficiently on account of my ignorance of all that has been done by him, but sufficiently on account of the bad name attaching to him. And I call on all of you who are better versed in the art of speaking to show

his crimes to be greater, and out of which I may omit (I call on these speakers) to accuse in their turn Philo, concerning what they know, for it is not right for you to consider what kind of a man he is on the basis of what is said only by me. (5.) For I declare that it is not right for any other people to deliberate in council concerning our interests, but those, who in addition to being citizens are also desirous of this (i. e. of being citizens). For to these the odds are great, whether the city should prosper or be in an unbecoming condition because of their considering it to be unavoidable for themselves to share for their part in adverse circumstances, as they share in the good things. (6.) But as many as by birth are citizens, but mentally are so disposed that the whole earth is their country, as long as they can have the necessities of life there,—of these people it is evident that even disregarding the common welfare of the state, they would turn to their own private gain on account of their considering not the state (to be) their country, but their fortune (to be their country). (7.) And now I shall show that this man Philo thought far more of his personal safety than of the common danger of the state, and that he believed it to be better that he should live out of all danger than to save the city, being in danger equally with the other citizens. (8.) For the accused, members of the boule, when the disaster overtook the city, of which I make mention only so much as I am compelled to,—he, having been banished from the city by proclamation by the Thirty, with the other democratic citizens, for some time lived in the country, but after the patriots from Phyle returned from exile to the Piræus, and (when) not only the people from the coun-



try, but also those from places beyond Attica gathered,—some to the town, others to the Piræus,—and (when) each one came to the rescue of his country to the extent he was able to, he did contrary to what the other citizens did. (9.) For getting together his personal effects he emigrated hence, beyond the borders of Attica and lived in Oropus under the protection of a patron paying the foreigner's tax, wishing to be a metio among them rather than to be a citizen among you. Not, however, just as some of the citizens changed their political applications, when they saw that the patriots from Phyle were successful in what they undertook,—not even in these successes did he desire to share, wishing to come back rather after all was over than to return from exile with (the others), accomplishing something of benefit to the common interests of the state. For he did not go to the Piræus, nor did he on any occasion present himself for enrolment (as a soldier). (10.) And yet—he, who could bring himself to forsake us, while seeing us prospering, what would he have done to us, when doing not as we wished (euphem. for : if we had failed)? And whoever did not have their share in the danger, threatening at that time, through some private misfortune, deserve to meet with some pardon, for disaster comes to no one of his own will; (11.) but whoever did this (i. e. avoided danger) with intent, do not deserve any pardon whatever. For not through misfortune but through evil design they did this. A certain just law has been established among all men : to be specially indignant on account of the same crimes against those who better than the others were able to refrain from wrongdoing but to be forgiving to the needy and the physically disabled, by reason of our believing that they

went astray not of their free-will. (12.) But this man does not deserve to find any pardon whatever; for he was not physically unable to suffer hardships, as you too (can) see, nor was he through (lack of) resources without means to render public service, as I shall show. And, therefore, he, who to the extent that he was able to help, to that extent did harm, should he not with reason be hated by all of you? (13.) Yet, you will assuredly not be hated by any one of the citizens, because rejecting him,—a man, who is shown to have betrayed not one party in any respect, but both, so that he may not claim the friendship of (lit. : so that it does not belong to him to be dear to) either those, who remained in the city,—for he did not deem it his duty to go to them, while they were in danger—or of those who seized the Piræus, for he did not show any intention of returning with (them). (14.) If, however, there remains some part of the citizens, who had share in the same action in which he (shared), let him demand to be a senator with those, if at any time they control the city,—which I pray will never come to pass.

That he lived in Oropus under the protection of a patron and that he possessed sufficient property and that he did not report for military service either in the Piræus or in the city,—that you may know, that, to begin with, I spoke the truth in this, listen to the witnesses.

WITNESSES.

(15.) It now remains for him to say, that through some illness having come upon his body, he was rendered incapable to give help in the Piræus, but that he offered of his own accord from his property either to



④ 此句为“故君子居则贵身，用则爱身，不以小利动，不以害所加”的总起句，故下句“而忘其身，不义之至也”紧承上句，故“而”字不可少。

contribute money towards the democrats, or to equip some men of his own deme, just as many others of the citizens did who were themselves unable to render public service with their persons. (16.) That, therefore, it may not be possible for him to deceive you by (this) falsehood, also on these points I shall now fully enlighten you, since, later on, it will not be possible for me, coming forward to refute him. Please call Diotimus, the Aoharnian and those chosen with him to equip their fellow deme's-men for the money which was contributed.

EVIDENCE OF THOSE CHOSEN WITH DIOTIMUS.

(17.) This man, however, did not consider, how he could be of use to the city at such a time and at this (political) crisis, but made preparations so that he might gain some profit from your misfortunes. For setting out from Oropus, sometimes alone, sometimes acting as leader for others, (men), to whom your misfortunes were pieces of good-luck, (18) going the rounds through the country and coming upon the older men of the citizens, who had remained in their demes having but little possessions, yet the bare necessities, and being well-disposed towards the democrats, but unable on account of their age to help them,—he robbed these people of the little they had, caring more for making slight profits, than for refraining from wronging them in any way. These people, now, are not all of them, able to proceed against him for the same reason, why also at that time they were unable to assist the state.

(19.) He should not, however, twice derive profit from (lit-through) their incapacity,—first at that time, when taking away what they had, and now again by being

approved of by you. But if anybody at all of those wronged, comes forward, consider that to be of great importance and hate the accused even more than ever,—a man, who had the heart to rob those of their possessions, to whom others preferred to give something from their own, pitying them on account of their helpless condition. Please, call the witnesses.

WITNESSES.

(20.) I do not know why you should feel differently concerning him, than his relatives feel. For (their feelings) are such, that, if he were guilty of no other wrong, on account of that only, he would be rightly rejected. I shall pass by what his mother, while living, accused him of; but it will be easy for you, inferring from what she did, when dying, to understand how he behaved towards her. (21.) For she was doubtful to entrust herself, after death, to him, but trusting Antiphanes, although not in any way related to him, she gave him three silver minae for her burial, passing by him who was her own son. Is it not evident, that she well knew, that he would not do his duty (by her) even for the sake of his relationship to her? (22.) And yet, if a mother, who is naturally inclined, both, when being wronged by her own children to bear (this) with greatest patience, and (is naturally inclined), when assisted a little, to think that she has (received) much, on account of (her) judging whatever comes to her rather by (the test of her) love than by cool scrutiny, —(if, then, his mother) thought, that he would rob her, even after her death, how should you be minded towards him? (23.) For he who was guilty of such wrongs against his own relatives, what would he do in



the case of people not related to him? That, now, also this is true, listen to him, who received the money and buried her.

EVIDENCE

With what idea shall you approve of him? Perhaps because he is not guilty of any misdoing? But he has committed the greatest wrongs toward his country. But then, because he will be better in the future? Then, let him first become better toward his city and then let him demand to be (made) a senator, having rendered some conspicuous service as at that time (he did) evil. For it is (the) more prudent (course) to give thanks to all *after* the works; for, to me at least, it appears to be strange, if he shall never be punished for what he has done wrong *in the past*, but now at once shall be honored for the good he is going to do *in the future*. (25.) But, perhaps, he ought to be approved of in order that the citizens may be better, seeing that all (good and bad) are honored equally? But the danger is that the useful citizens, if they perceive that the bad are honored equally (with the good), will cease from their useful pursuits, thinking it to be (the part) of the same men, both to reward the bad and to forget the good. (26.) And this also deserves to be considered, that, if some one betrayed a fort, or ship, or a camp, in which part of the citizens happened to be, he would be punished by the severest punishments, while he, who betrayed the whole commonwealth, is making preparations not that he will not be punished but how he shall be rewarded. And yet he who clearly betrayed (the cause of) liberty, should justly be contending not for being a senator but against being a slave and (against) the greatest hardships.

(27) I hear that he says that if it were wrong not to have been present at that time, a law would have been laid down explicitly about this, just as about the other offences. For he thinks, that you do not understand that through the greatness of the offence no law was proposed concerning this. For what statesman ever considered or what law-maker ever expected that any one of the citizens would commit so great a crime? (28.) For surely not, (had the law-giver considered the possibility of such a crime) a law *would* be laid down,—as if such a one (lit. he) were guilty of a serious crime,—if any one should leave the ranks, while the state itself was not in danger, but was involving others in this (i. e. danger), while a law would *not* be laid down, indeed, if one should forsake the state itself, when the state itself was in danger. Without any doubt (such a law would have been laid down) if any one had thought that some one of the citizens would (ever) be guilty of such a crime. (29.) Who would not justly blame you, if you did reward the metics in a manner worthy of our city, because they came to the rescue of the city in accordance with their duty, while you will not punish him, because, contrary to his duty, he betrayed the state,—if not by some greater penalty, at least by the present loss of honor? (30.) Remember for what reason you reward those, who have proved themselves excellent citizens toward the state and (why) you dishonor the bad (citizens). For these two (manners of proceeding) were exhibited side by side not so much on account of what had happened (in the past) as for the sake of what would happen (in the future), in order that they may intentionally wish to become useful citizens, but may not by any means attempt (to be) bad citizens. (31.)

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And also consider what kind of oaths, you think, he will care for, who as a matter of fact, betrayed the gods of his fathers? Or (consider) how he could give useful advice concerning (the interests of) the commonwealth, who did not desire even to make his country free? Or (consider) what secret resolutions (of the senate) he would keep, who did not choose to do even that, which had been openly proclaimed? How can it be just, that he, who did not venture into the danger even at the end, now, even in this case, should be rewarded before those, who did the work? It would be hard to bear, if he should consider *all* the citizens of no importance, and you should not reject him being but *one*.

(82) I see some people, who are now preparing to come to his assistance and to beseech you, since they could not persuade me; at that time, when you were surrounded by dangers, and you were in a most critical position, while our form of government itself was held out as the prize (to be gained at the contest), and when it was necessary to deliberate not only about the senatorial office, but also concerning our freedom,—at that time they did not ask him to help you individually and the state, as a whole, and not to forsake either commonwealth or senate, in which he now demands a seat, although he has no rightful claim, since others have done the work. (83.) He, of all men, members of the boule, could not justly be indignant if he should fail to gain this. For it is not you, who dishonor him now, but he, himself, deprived himself (of this) at that time when he did not choose to take his stand with you, to fight for it, just as now he gladly presented himself to draw lots (for it).

(84) I think enough has been said by me, although I

passed by much. But I trust that you, even without these (points which I omitted) of your own mind will decide for the best of the state. For you should not use any other tests concerning those who are worthy to be senators, but your own persons, (and you should ask yourselves) being what kind of men yourselves, you were approved of with regard to public service. For his actions are unprecedented warnings, and foreign to (the spirit of) all democracy.

DIOGITON.

(1.) If the issues were not great, gentlemen of the jury, I would never have allowed these to appear before you, thinking it to be most disgraceful to quarrel with one's relatives, and knowing that not only those, guilty of some wrong, are thought by you to be knaves, but also those who cannot (silently) suffer to be taken at a disadvantage by their relatives. Since, however, gentlemen of the jury, they have been robbed of much money and, (since), having suffered much and terribly by those by whom they ought (to have suffered) least of all, they fled to me, being their brother-in-law, it has become necessary for me to plead in their behalf.

(2.) I am married to their sister, the granddaughter of Diogiton, and asking both (parties) many times I persuaded them, at first, to entrust the settlement (of their differences) to their friends, considering it of importance that no one else (i. e. no outsider) should know their affairs. But since Diogiton did not undertake to persuade any one of his own friends concerning the money, which he clearly was convicted of having, but was determined, both, to stand lawsuits and to bring suit to set aside his default, and to run the greatest risks rather than (by,) doing what was just, to get rid of the charges on the part of these,—(3.) I ask of you, if I (shall) show them to have been so shamefully treated by their grandfather, in his capacity as guardian, as no one ever (was treated) in (this) city by those, no way related to him,—(I ask

of you,) to come to their assistance in what is just, but if (I do) not (show this), to believe him in everything, and in the future to consider us to be knaves. I shall endeavor to inform you about them (i. e. their affairs) from the beginning.

(4.) There were (two) brothers, gentlemen of the jury, Diodotus and Diogiton, children of one father and one mother, and they divided the personal property, but shared in the real estate. When Diodotus had made much money in business, Diogiton persuades him to marry his daughter, who was his only child; and he (i. e. Diodotus) begets two sons and a daughter.

(5.) Some time afterwards, Diodotus, enrolled with Thrasyllus among the hoplites (i. e. enrolled as a hoplite to serve under Thrasyllus), having called his own wife, who was his niece, and her father, who was his father-in-law and his brother, and grandfather of the children and their uncle, thinking that on account of these relationships to no one it would be more fitting to prove himself just towards his children,—he gives him his will and a deposit of five silver talents. (6.) And he showed seven talents and forty minas to be lent on bottomry, and two thousand (drachmæ) loaned in the Chersonese; and he enjoined, that, if anything should happen to him, he (Diogiton) should give to his wife (as a dowry) a talent and the furniture of the house, and a talent to his daughter. Besides he left for his wife twenty minas and thirty Cyzicene staters. (7.) Having done this and having left at home copies, he departed to join the expedition under Thrasyllus. And when he had died in Ephesus, Diogiton concealed the death of her husband from his daughter, and seizes the documents, which he had left behind, sealed, saying that the money

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lent on bottomry should be collected by means of those documents. (8.) And when, some time afterwards, he made known to them the death (of Diodotus) and they had performed the customary (rites), they lived during the first year in the Piræus, for all their necessities of life were left there; but, when these began to fail, he sends the children to the city, but he gave their mother in marriage, bestowing on her (as a dowry) five thousand drachmae,—one thousand less than her husband had given her. (9.) In the eighth year after this, when the oldest of the two boys had passed his examination (for admission to citizenship), Diogiton, having called them, said that their father had left them twenty minae of silver and thirty staters. "Now, I have spent a great deal of my own for your support; and as long as I had it, it did not make any difference to me; but now, I myself, am in difficult circumstances. You, therefore, now that you have come of age and have become a man, look out for yourself, whence you shall obtain the necessities of life." (10.) Having heard this, greatly taken back and crying they went off to their mother, and taking her along, came to me, being in a pitiable plight on account of this incident, and wretchedly turned out of doors, crying and calling on me not to allow that they should be robbed of their paternal inheritance (lit.: not to overlook them, being robbed of) nor (to allow) that they should be brought to poverty, outrageously treated by those, by whom least of all they ought (to have been thus treated), but (calling on me) to come to their assistance for their sister's sake and for their own sake.

(11.) It would be a long story to tell how much sorrow there was in my house at that time. Finally their mother entreated and besought me to bring together

her father and his friends, saying that, even if she had not been accustomed before to speak among men, the extent of their calamities would compel her to reveal everything concerning their misfortunes to us. (12.) And I going to Hegemon, who had married his (Diogiton's) daughter, told him of our grievances, and I spoke to others, interested (in this) and I demanded (from Diogiton) that he should submit to an investigation. Diogiton at first was unwilling, but finally he was compelled by his friends. And when we had come to gether the woman asked him, with what feelings he showed such a disposition towards her children, "being the brother of their father, and my father and their uncle and grandfather." (13.) "And even if you are not ashamed before any man," she said, "you ought to fear the gods for you received, when he sailed out, five talents from him, as a deposit. And concerning these things, I am willing to take an oath, placing by my side my children, both these, and those born to me afterwards (i.e. in her oath she will imprecate her children of her first and second marriage), at whatever place he says. And yet I am not so wretched, nor do I care so much for money, as (to wish) to end my life, after having sworn falsely and imprecating my own children, and so as (to wish) to take away unjustly the property of my father." (14.) Besides she proved that he had collected seven talents lent on bottomry and four thousand drachmae, and she showed the documents pertaining to this (money). For, (she said) that, in moving, when from Collytus he moved to the house of Phaedrus, the children had come upon an account book, that had been thrown away, and had brought it to her. (15.) She showed that he had collected a hundred minae, loaned



out on a real estate mortgage, and in addition to this two thousand drachmae, and furniture worth much, and (she said) that foodstuffs used to come in every year, from the Chersonese. "And then you dared," she said, "to say, while holding so much money, that their father left two thousand drachmae and thirty staters, which having been left to me, I gave to you, when he had died? (16.) And you thought it right, to turn these, being the children of your daughter, out of their own house, lightly clad, without shoes, without attendant, without beds, without clothing, without the furniture, which their father left them, without the deposits which he deposited with you. (17.) And now you educate the children of my stepmother, with a great outlay of money as being wealthy, and in this you act aright; but you wrong my children, whom, turning out of their house, deprived of their rights, you wish to render beggars instead of rich. And with (i. e. on account of) such deeds you neither fear the gods, nor are you ashamed before me, who am in your secret, nor do you remember your brother, but you hold us all of less importance than money."

(18.) And at that time, gentlemen of the jury, when many terrible accusations had been made by the woman, all of us, who were present, were thus moved by the things done by him and by her words, seeing the children, what kind of treatment they had suffered and remembering the dead one, how unworthy a guardian of his property he had left behind, and considering how hard (it is) to find one, in whom one can trust concerning one's own kin, so that, gentlemen of the jury, no one could speak, of those present, but weeping not less than the sufferers, (all) left and went

their way in silence. And now, let the witnesses first come forward.

WITNESSES.

(19.) I ask (you), gentlemen of the jury, to give your attention to the accounts (of the guardian) in order that you may pity the boys on account of the magnitude of the calamities, and (in order that) you may consider him deserving of the anger of all citizens. For Diogiton places all men in (a position of) so great suspicion towards one another, so that (people) neither while living nor being dead, trust their nearest kin any more than their worst enemies. (20.) For he dared at first to deny (everything), but afterwards having acknowledged to have (received the money) (he dared) to show (in his accounts) seven talents of silver and four thousand drachmae, as receipts and expenditure on two boys and their sister in eight years. And he went to such a pitch of impudence that, not having (i. e. knowing) under what heads to set the (sums of) money, he set down for provisions for two little boys and their sister five obols a day, and for shoes and clothing, and the fuller, and the barber it had not been written out by him either by the month or the year, but in a lump sum of the whole time, more than a talent of silver. (21.) And having expended on the monument of their father not (fully) twenty-five minae out of the five thousand drachmae (which he claimed to have expended), he set down half (of the five thousand drachmae) to himself, and the other half he set down to their account. Again, for the Dionysiac festival, gentlemen of the jury,—for it does not seem to me out of place to make mention, also of this,—he entered (in



his books) a lamb bought for sixteen drachmae, and of this he set down eight drachmae for the boys; on account of which we were angered not least. Thus, gentlemen of the jury, in great losses sometimes little things hurt the wronged ones not less (than important things); for they show too plainly the baseness of the wrong-doers. (22.) And for the other festivals and offerings he set down to their account, (as) having been expended, more than four thousand drachmae, and other things to a vast amount, which he summed up to (complete) the sum total, as if he had been left (as) guardian of the children for this reason that he might show them accounts instead of money and make them very poor instead of rich, and in order that, if they had some hereditary enemy, they might forget him, but, bereft of their paternal inheritance, might contend with their guardian. (23.) And yet, if he had intended to be just towards the children, it would have been possible for him, according to the laws, which have been laid down, concerning orphans, both for the physically infirm and the physically sound guardians, to farm out the estate, getting rid of much trouble, or, buying land, support the children from the income; and whichever of these (proceedings) he would have done, they would have been less rich than no one of the Athenians. But, as it is, he seems to me never to have thought of turning the property into real estate, but only of holding himself what belonged to them, thinking that his own baseness ought to be an heir of the dead man's money. (24.) But what is most illegal of all (things he did), gentlemen of the jury: he, when appointed as a trierarch with Alexis the son of Aristodocus, claiming that he had contributed forty-eight

minae, charged half (of this) to these being orphans, whom the state made exempt not only while being minors, but even after they have passed their examination as citizens, the state exempted (them) for a year of all liturgies. But he, while being their grandfather, contrary to the laws, exacts half of his contribution as a trierarch from the children of his own daughter. (25.) And having sent a merchant vessel of two talents to the Adriatic, he said to their mother, at the time of his sending, that the risk would be the children's, but when it returned in safety and had doubled itself (in value), he claimed the merchandise to be his. And yet if he shall make the losses theirs, but shall keep for himself all that is saved, he will without difficulty put down in his accounts under what heads the money was expended, and he will easily get rich himself at the expense of others. (26.) It would be too much trouble, gentlemen of the jury, to recount before you each item (of his account book); but after, with considerable difficulty, I received from him the accounts, I asked Aristodocus, the brother of Alexis (for he himself happened to have died), in the presence of witnesses, whether he had the account of the trierarchy. He said he had; and having gone to the home (of Aristodocus) we found that Diogiton had contributed twenty-four minae for the trierarchy. (27.) But he had declared (i.e. when accounting for the money expended) to have spent forty-eight minae, so that, as much as the whole expense had been to him, had been set down to their (the children's) account. And yet, what do you think he has done in matters concerning which no one possessed knowledge, but (which) he himself handled alone, since in what was done through others



and concerning which it was not difficult to obtain information, he had the heart, by making false statements, to mulct the children of his own daughter in twenty-four minae. And let the witnesses come forward.

WITNESSES.

(28.) You have heard the witnesses, gentlemen of the jury, and I (starting) from that, which, finally, he himself acknowledged to have (received), seven talents and forty minae, I shall make my calculations for him, allowing no income (*i. e.* interest) but subtracting from the principal, and I shall put down as much as no one ever in the city (did), for two boys and (their) sister and an attendant and a maid, one thousand drachmae for each year, (which is) a little less than three drachmae a day. (29.) In eight years this becomes eight thousand drachmae, and six talents and twenty minae are shown to be remaining. For he would not be able to show, either to have lost through pirates, or to have suffered loss, or to have paid to creditors.

PANEGRIC.

For many other noble achievements, fellow-Greeks, it behooves (us) to cherish the memory of Hercules, but (also) because he instituted this gathering and these contests through his good-will towards Greece. For up to that time the (Greek) cities manifested a hostile disposition towards one another, (3) (but after he had put a stop to (the power of) tyrants, and restrained the insolent, he founded (these) contests of strength, rivalry and display of wealth, and exhibition of understanding in the most beautiful spot of Greece, in order that we might gather to the same place for this, to see this, to hear that. For he thought that this gathering on this spot would become the beginning of a universal friendship among the Greeks. (3.) These then were his intentions. But I have come not to talk about trifles nor to contend about words. For I consider that this is the part of sophists, men of no practical use and badly in want of a livelihood, but that it is (the part) of a good man and a useful citizen to deliberate about things of the greatest importance, seeing that Greece is in such a disgraceful condition, and that much of it is in the power of the barbarian, and that many cities have been utterly ruined by tyrants. (4.) And if we suffered this through lack of strength, it would be necessary to acquiesce in this misfortune: but since (we suffer thus) through dissension and through our quarrelling among ourselves, should we not cease this (quarrelling

ing) and check that (encroaching of the barbarians), knowing that to be quarrelsome is (the privilege) of the prosperous, but to deliberate for the best (the duty) of those in adversity? (5.) For we see that many great dangers are encompassing us on all sides; you know that power belongs to those who rule the sea, and that the king is the dispenser of money, and that the persons of the Greeks are (at the disposal) of those who can afford to pay (for them), and that he himself has many ships, and that the tyrant of Sicily has many. (6.) So that we ought to put an end to the war among ourselves, and with one mind hold on by our safety, and to be ashamed about the past, and to fear concerning that which is going to be, and to imitate our ancestors who caused the barbarians who wished for another's belongings to be deprived of their own, and who, driving out the tyrants, set up liberty as a common possession for all. (7.) I wonder at the Lacedaemonians especially, with what mind they suffer Greece to be burned, (although) being leaders of the Greeks, not unjustly, both on account of their inborn valor and their knowledge of warfare; they alone who live in a country that never was devastated (by enemies), without walls, without dissension, unconquered and ever using the same institutions; wherefor we hope that their liberty will be everlasting, and that, having been the saviours of Greece in times of danger that belong to the past, they (now) are looking out for what the future will bring. (8.) And, indeed, the coming opportunity is not better than the present; for we should not look on the misfortunes of those who perished as something not pertaining to us, but as our own, and we should not wait until the combined powers of both (king of Persia

and tyrant of Sicily) attack us, but we should check their insolent conduct, as long as it is still possible. (9.) For who could not help seeing that they have grown powerful by our warring among ourselves? And although this is not only disgraceful but positively dangerous, those who are guilty of great wrongs are free to enjoy the fruits of their wickedness, but the Greeks have no power to punish them.









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